This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

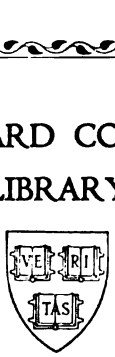
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

EdHC 3553.4 (2,pt.2)
P

HARVARD COLLEGE
LIBRARY



From the Library of

CHARLES HENRY CONRAD WRIGHT

Class of 1891

Professor of the French Language
and Literature

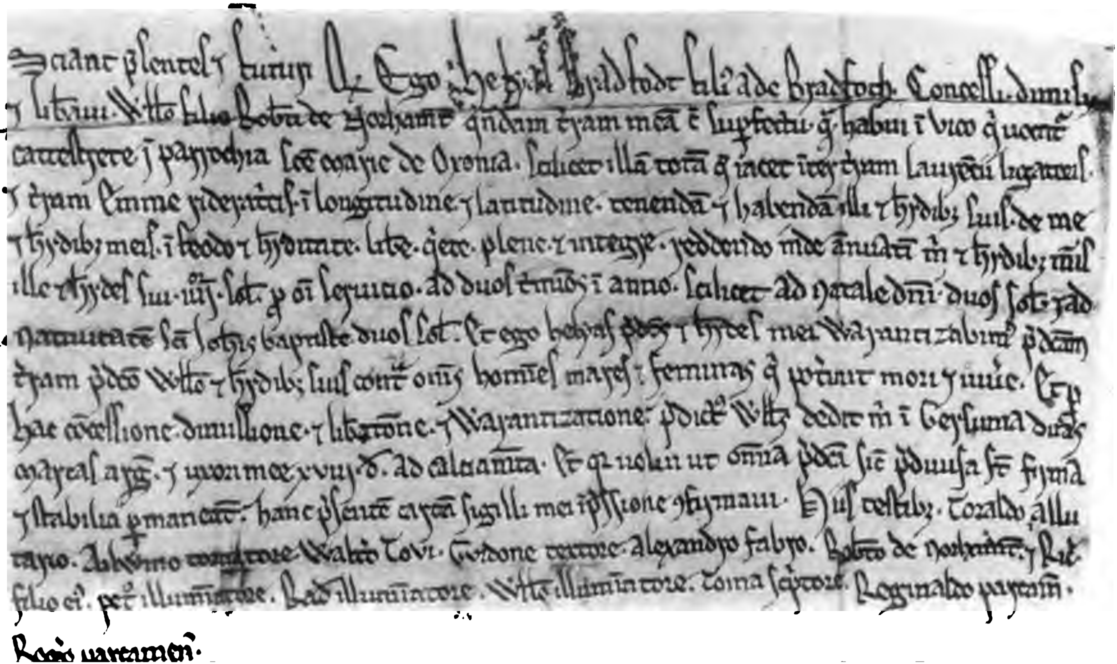
GIVEN BY HIS CHILDREN

THE UNIVERSITIES OF EUROPE IN THE MIDDLE AGES

RASHDALL

London
HENRY FROWDE
OXFORD UNIVERSITY PRESS WAREHOUSE
AMEN CORNER, E.C.

New York
MACMILLAN & CO., 66 FIFTH AVENUE



Sciant presentes et futuri quod Ego Henricus Bradfot filius Ade de Bradforth Concessi dimisi
et liberaui Willelmo filio Roberti de Yocham quandam terram meam cum superficie quam habui in vico qui vocatur
Cattestrete in parochia sancte Marie de Orona. scilicet illam totam que iacet inter terram Laurentii ligatoris
et terram Emme pederarie in longitudine et latitudine. tenendam et habendam illi et heredibus suis de me
et heredibus meis in feodo et hereditate libere quiete plene et integre. reddendo inde annuatim mihi et heredibus meis
ille et heredes sui .iiij. sol. pro omni seruitio ad duos terminos in anno. scilicet ad natale domini duos sol. et ad
natiuitatem sancti Iohannis baptiste duos sol. Et ego Henricus predictus et heredes mei warantizabimus predictam
terram predicto Willelmo et heredibus suis contra omnes homines mares et feminas qui possunt mori et uiuere. Pro
hac concessione dimissione et liberatione et warantizatione predictus Willelmus dedit mihi in gersumma duas
marcas argenti et uxori mee xviij d. ad calciamenta. Et quia uolui ut omnia predicta sic prouisa sint firma
et stabilia permaneant. hanc presentem cartam sigilli mei impressione confirmaui. Hiis testibus. Toraldo allu-
tario. Adwino ... Waltero Toui. Gordone tectore. Alexandro fabro. Roberto de Yocham et Ricardo
filio eius. Petro illuminatore. Radulfo illuminatore. Willelmo illuminatore. Thoma scriptore. Reginaldo pargamenario.
Rogero pargamenario.

CONVEYANCE OF LAND IN CAT-STREET, OXFORD (? 1170-1180 A.D.)

THE

UNIVERSITIES OF EUROPE

IN THE

MIDDLE AGES

BY

HASTINGS RASHDALL, M.A.

FELLOW AND TUTOR OF NEW COLLEGE, OXFORD

LATE FELLOW OF HERTFORD COLLEGE

IN TWO VOLUMES

VOL. II, PART II

ENGLISH UNIVERSITIES—STUDENT LIFE

OXFORD

AT THE CLARENDON PRESS

M DCCC XCV

Oxford

PRINTED AT THE CLARENDON PRESS

BY HORACE HART, PRINTER TO THE UNIVERSITY

HARVARD
UNIVERSITY
LIBRARY
OCT 16 1974
74*51

CONTENTS OF VOL. II, PART II

CHAPTER XII.

THE ENGLISH UNIVERSITIES.

§ 1. THE ORIGIN OF THE SCHOOLS AND UNIVERSITY OF OXFORD.

PAGE

Bibliography 319
The Alfredian legend 322
Early history of the City: advantages for a University town . 323
Not a development of monastic schools 326
A priori probability of a migration 328
Exodus of English scholars from Paris in **1167** . . . 329
Recall of English scholars by Henry II at about the same date 330
Consequent development of Oxford into a Studium Generale . 332
The Schools of Oxford before **1167** 332
Theobaldus Stampensis taught here before **1117** . . . 333
Robert Pullus or Pullen, **1133** 335
Teaching of Vacarius in **1149** more doubtful 335
The Parisian migration of **1167-8** 338
Allusions after **1167** testify to generality of Studium . . . 340
Visit of Giraldus Cambrensis, *circa* **1185** 341
North-country scholar, *circa* **1180** 342
Evidences of book-trade, **1170-1180** 343
University Sermons, **1170-1172** 344
Evidence of migration 345
Frequency of allusions after **1170** 346
Testimony of Emo (**1190**) and Richard of Devizes (**1192**) . . 347
Richard I's Scholars, the Abbot Samson, and Thomas de Marleberge 347
The *suspendium clericorum* of **1209**: Origin of Cambridge . 348

PAGE

The return and Legatine Ordinance of **1214** 349
Loan chests 350
Institution of Chancellorship 351
Government of scholars before **1214**: the Master of the Schools 352
The Oxford Chancellorship compared with the Parisian . . 355
Rudimentary University of Masters probably dates from **1167** . 360

§ 2. THE CONSTITUTIONAL DEVELOPMENT.

Imitation of the Parisian Constitution 361
First Statute and Irish riot, **1252** 362
Original position of the Chancellor 364
The Proctors 365
The Chancellor absorbed into the University 366
Papal confirmation of Statutes 367
Faculties and Nations 367
Two Proctors before **1248** 368
Abolition of Nations: Rectors or Proctors 369
No single Rector 370
Prerogative of Faculty of Arts 371
The Proctorial Veto: Proctors are an executive of the whole University 373
The Non-regents 373
The three Congregations, viz.:
(1) Black or Previous 373
(2) Lesser or Regent 374
(3) Full or Great 374
Voting by Faculties 375
Constitutional changes in the fourteenth century . . . 376
Establishment of the Mendicant Friars in Oxford (**1221**, &c.) . 376
Relations between Friars and University 377
Statute of **125½** requiring Graduation in Arts 378
Measures against the Friars, **1303–1311** 380
Majority of Faculties defined by Statute, **1302–3** . . . 382
Appeal to the Roman Court 382
Award of Arbitrators, **1313** 383
Submission of Friars in **1320** 384
Later conflicts 384
Constitution fixed, *circa* **1314**: procedure at Great Congregation 386
Statutes of Separate Faculties rare 387

§ 3. THE UNIVERSITY AND THE TOWN.

Last relics of old clerical immunities in Oxford 388
Central control of local authorities: sanitary inspection . . 389

PAGE

The Chancellor's jurisdiction originally spiritual: its extension. 391
Early quarrels with Town: Royal support of Chancellor . . 391
Charter of **1244**: jurisdiction in contracts 393
Mayor's oath 394
Jurisdiction in breaches of the peace, **1255** 394
Secession to Northampton in **1263** 395
Earlier Migration to Northampton and Salisbury in **1238**. . 396
Secession to Stamford in **1334** 397
Great Charter of Edward I, **1275** 398
Taxation of Halls 399
Dispute with Bailiff of Northern Suburb, **1288** 400
Chancellor's jurisdiction defined in Parliament, **1290** . . 401
Frequent confirmations: prayers in lieu of fees 402
'The Slaughter' of **1354** 403
Privileges for the University and penalties for the Town . . 406
Clerks of the Market 409
Jurisdiction of University's Steward, **1405** 409
The precinct of the University defined 411
Subjection of Town 411
General Inquisition 412
Mildness of Law in Medieval Towns 413
Assault cases in Chancellor's Court 414
Inquisitorial Jurisdiction 415
Amicable settlements 416
Expulsion of Irish, **1423** 416
Purgation and compurgation 417

§ 4. THE UNIVERSITY AND THE CHURCH.

Original relations between the Bishop of Lincoln and his Oxford Chancellor 418
Hostility of Bishop Lexington (**1254**) perhaps led to Papal confirmation and appointment: Conservators Apostolic . 419
Settlement of **1257** by King in Parliament 420
Growth of Chancellor's powers: recognition by provincial Synod (**1279**) 421
Bishop Sutton and the University (**1280**): Appeals . . . 422
Metropolitical Visitations 425
Disputes as to confirmation of Chancellors: its abolition by Bull (**1368**) 426
Liberties of Oxford encourage Wycliffism and sympathy with Wycliffe 427
Bull of Exemption from Boniface IX in **1395** 430
Continued sympathy with Wycliffe and resistance to Archbishop 430
Measures against Wycliffe: enforced condemnation of his doctrines by University 432

PAGE

Attempted Visitation of University by Archbishop Arundel in 1411 433
Gallant resistance of Proctors: Bull of Exemption revoked (1411) 434
Character of the opposition: Visitation of Oriel . . . 435
The University crushed, and visited by Bishop Repingdon . 436
Exemption restored by Sixtus IV (1479) 437
Anomalous system of Appeals to Congregation 437
The Chancellorship gradually becomes permanent . . . 439

§ 5. The Studies of Oxford.

General similarity to Paris 440
Determination and Responsions 441
Points of contrast with Paris:
(1) Conferment of Bachelor's degree by Chancellor . . 441
(2) No regular literary Examinations for M.A. or perhaps B.A. 442
(3) Determining for others 444
(4) Inception: different relation of University to the Faculties 445
History of the 'grace' in Congregation 448
Absence of Faculty organization 450
(5) Differences in curriculum 451
The Oxford curriculum:
Theology 452
Canon Law 453
Civil Law 454
Medicine 454
Arts 455
Degrees in Music and Grammar 458
Study of Astrology 458
Poets Laureate: Degrees in Rhetoric: Greek and Hebrew . 459
French language and English Law 459
Failure of Regency system: Duke Humphrey's Lectureships . 460
Margaret Professorship 461
University Buildings: Cobham's Library 461
The Schools 462
Duke Humphrey's Library: growth of Humanism . . . 464

§ 6. The Colleges of Oxford.

Democratic character of the ancient Halls 465
Growth of University authority over the Halls: Principals . 465
Benefaction of Alan Basset 469

PAGE

UNIVERSITY COLLEGE (*c.* 1280) 469
BALLIOL (1261–1266) 472
THE MONASTIC COLLEGES:
Gloucester Hall (1288–1291) 476
Durham College (*c.* 1289) 477
Canterbury 478
Rewley Abbey (*c.* 1280) 479
S. Bernard's College (1432) 479
S. Mary's College (1435) 479
S. George's College (1435) 480
Intellectual work of Monks literary, not scholastic . . . 480
MERTON (1263 or 1264):
Foundation of House at Malden 481
Permanent establishment in Oxford: Statutes of 1270 and 1274 483
Buildings 488
EXETER (1314–1316) 490
ORIEL (1324) 491
QUEEN'S (1341) 495
CANTERBURY (1362) 498
NEW COLLEGE (1379): 499
Foundation of New College and Winchester . . . 500
Tutors 501
Munificent scale of foundation 502
Its ecclesiastical aspect 505
The New College privilege 507
LINCOLN (1429) 509
ALL SOULS (1438) 511
MAGDALEN (1448) 512
Reception of Commoners 517

§ 7. THE PLACE OF OXFORD IN MEDIEVAL THOUGHT.

Oxford influential as a School rather than as a Corporation . 518
The earliest Oxford teachers: Edmund Rich and Robert Grossetête 520
Roger Bacon 522
Bacon not alone at Oxford: study of Physics and Mathematics 525
Contrast between Oxford and Paris 526
The conservative resistance of seculars and Franciscans to the Dominican Aristotelianism centres in Oxford . . . 527
Predecessors of Duns Scotus 529
Duns Scotus, his realistic Philosophy and Theology . . . 531
William of Ockham 535

PAGE
Nominalism *v.* Realism 538
Intellectual vitality of fourteenth-century Oxford . . . 539
Bradwardine, Fitzralph (Armachanus) and Wycliffe . . . 540
Decay of Scholastic thought after 1411: permanence of Wycliffe's work 542

§ 8. The University of Cambridge.

Bibliography 543
Myths and forgeries 544
The Oxford Migration of 1209 545
Dubious existence from 1214 to Henry II's invitation of Parisian scholars in 1229 546
Early privileges and constitutional development . . . 546
Gradual growth of ecclesiastical independence 548
The Barnwell process (1432) 550
Was Cambridge a Studium Generale before John XXII's Bull in 1318? 550
Insignificance of medieval Cambridge 552
Its constitution compared with the Oxonian 553
Proctors and Rectors, &c. 554
The Master of Glomery 555
Studies: *Caput Senatus* 556
Lack of materials 557

§ 9. The Colleges of Cambridge.

The Hospicia 558
William of Kilkenny's bequest (1256) 558
The Monastic Colleges 559
Peterhouse (1284) 559
The King's Hall (*ante* 1316) 561
Michaelhouse (1324) 562
University or Clare Hall (1326) 563
Pembroke or Valence Mary (1347) 564
Gonville (1348) 566
Trinity Hall (1350) 568
Corpus Christi or Benet College (1352) 569
God's House (1441-2) 570
King's College (1441) 572
Queens' College (1448) 575
S. Catherine's (1475) 577
Jesus (1497) 577

CHAPTER XIII.

THE NUMBERS IN THE MEDIEVAL UNIVERSITIES.

PAGE

Testimony of Odofredus as to Bologna 581
Of Richard of Armagh, Wycliffe, and Gascoigne as to Oxford . 581
Medieval exaggeration 582
More moderate statements as to Oxford 583
Degree statistics and other evidence as to Paris . . . 584
Evidence as to Oxford in the fifteenth century 587
The German Universities 588
Results 589

CHAPTER XIV.

STUDENT LIFE IN THE MIDDLE AGES.

The medieval student neither a modern 'undergraduate' nor a schoolboy 593
Previous education of the medieval student 594
Knowledge required on entrance 594
Medieval Latin 595
The Grammar Schools in University Towns (Paris, Cambridge, Oxford, &c.) 597
Degrees in Grammar 599
Grammar Schools outside the Universities: method of teaching 600
Life in the University: average age of students on entrance 604
Beneficed students 604
State of Discipline in University Halls and Colleges:
Independence of boy-undergraduates 605
Touting Masters: lectures on approbation 606
The Hospicia and their Principals 607
Gradual enforcement of residence 608
State of University discipline: no corporal punishment except in Grammar Schools till a late period . . 609
General laxity: improvement in fifteenth century . . 612
Punishments 614
Tariff of fines for assault 614
Greater strictness made possible by the Colleges . . 615
College discipline at first ecclesiastical rather than scholastic 616
Sconces 617

PAGE

Illustrations from the Sorbonne Register 618
The medieval undergraduate and the modern . . . 619
Fasting and Abstinence 620
Flogging in Colleges: in the Sorbonne 620
Its growth in English Colleges 622
Reaction of Colleges upon University discipline . . . 623
The Aularian Statutes at Oxford 624
Traces of the ancient Autonomy of Halls 626
Latin-speaking and the 'Lupus' 627
Position of Bachelors 627

The Bejaunus and his Deposition or Initiation:

Initiation of the *Bejaunus* or freshman at first repressed, then patronised by authorities 629
The *Manuale Scholarium*: a medieval 'Verdant Green' . 629
The Deposition in German Universities 630
Initiations in France: student guilds and courts at Avignon 632
Similar customs at Paris 635

Academical Dress and Clerical Status:

The Undergraduate's dress and tonsure 636
College liveries 638
The magisterial *cappa* 639
Hoods and caps 640
The Tabard: the Cincture 642
Survivals at Cambridge 643
Meaning of *clericus* 644
Celibacy of Regents: Marriage and 'charivari' . . . 647

Lectures (Exercises, Resumptions, &c.) 648
Divine Service 651
Meals 652
Standard of Living: various standards of comfort . . . 655
Standard in Colleges: meaning of 'poor scholar' . . 660
Hardships of student life 665

Amusements:

Games prohibited and otherwise 669
Dancing 672
Festivals: Holidays and Sundays 673
Plays, Poaching, Hawking, &c. 675
Drinking, quarrelling, and practical joking 676

The wilder side of University life:

Feud between Parisian scholars and the Monastery of S. Germain's: the conflict of **1278** 677
Affaire Savoisy 680
Proclamation by Official of Paris in **1269** 682
Coroner's Inquests at Oxford 682
A Town and Gown affair at Orleans (**1387**) . . . 683

PAGE

An Easter Scene at Toulouse (1332) 684
Violence of medieval life 685
Drinking customs: at Examinations, &c. 686
Oaths: their frequency and consequent prevalence of perjury . 688
Irreverence and superstition: dicing on altars . . . 689
State of Morality: testimony of Jacques de Vitry . . . 690
Intellectual Enthusiasm: motives of the student . . . 692
Aims and prospects of University Students . . . 695
The Church and the Professions 696
No theological study for the mass of clergy . . . 698
Religious Education: none for the Artist 700
Luther and the Bible 701
Ordination Examinations 702
Value of a Medieval Education 703
A training for practical life 707
Prominence of legal study: the lawyer-class . . . 708
England and the Roman Law 709
Present influence of Medieval University Institutions . . 709
Epilogue 712

APPENDICES.

I. PAPER UNIVERSITIES 719
Gray, Pamiers, Dublin 719
Verona 721
Geneva, Lucca, Orvieto, Kulm 722
Fermo, Calataydd, Lüneburg, Frankfurt-on-Oder 723
II. ALLEGED UNIVERSITIES:
Lyons 723
Reims 724
Alais, Parma 725
Nismes 726
Gaillac and Albi: Billom 727
Milan 728
III. LAW-TEACHING IN THE EARLY MIDDLE AGES . 729
IV. SOME BOLOGNA DOCUMENTS 731
V. FORM OF CONFERRING THE DOCTORATE *in utroque jure* AT BOLOGNA 734
VI. THE ROMAN MUNICIPIA AND THE ITALIAN CITIES 735
VII. SECESSIONS FROM BOLOGNA 736
VIII. LEONARD FIBONACCI, THE IMPORTER OF ALGEBRA 736
IX. THE UNIVERSITY OF PARIS IN A.D. 1204 . . 737
X. THE ETERNAL GOSPEL 738

PAGE

XI. THE CHURCH AND THE ROMAN LAW . . . 740
XII. THE LIBER DE CAUSIS 741
XIII. THE EXAMINATIONS AT PARIS ILLUSTRATED BY BOURGES 742
XIV. THE EARLY TRANSLATIONS OF ARISTOTLE AND PLATO 744
XV. FEMALE GRADUATION AT BOLOGNA, ETC. . . 745
XVI. THE VERCELLI CONTRACT 746
XVII. PAPAL DEGREES 750
XVIII. SCHOOLS IN LONDON 751
XIX. LAW STUDIES AT OXFORD IN THE TWELFTH CENTURY 753
XX. ARISTOTLE IN OXFORD 754
XXI. HONORIUS III AND OXFORD 754
XXII. CONFLICT BETWEEN MASTERS AND SCHOLARS AT OXFORD, ?1338 756
XXIII. AN OXFORD 'FORMA' 757
XXIV. THE SEE OF LINCOLN FROM 1173 TO 1209 . . 758
XXV. LOST COLLEGES AT OXFORD 758
XXVI. RELICS OF THE ANCIENT AUTONOMY OF THE OXFORD HALLS 760
XXVII. THE CAMBRIDGE COMMENCEMENT 763
XXVIII. THE CHANCELLOR AND SCHOLARS OF SALISBURY IN 1278 765
XXIX. A DAY'S WORK AT LOUVAIN IN 1476 . . . 766
XXX. STATUTES OF THE OXFORD HALLS 767
XXXI. THE MEDICAL BOOKS USED AT MONTPELLIER . 780
XXXII. THE PRESENT JURISDICTION OF THE VICE-CHANCELLOR'S COURT AT OXFORD 785
XXXIII. THE PRESENT CONSTITUTION OF THE UNIVERSITY OF OXFORD 791

ILLUSTRATIONS.

An Oxford conveyance in *c.* 1170–1180, showing presence of *Ligatores*, *Illuminatores*, *Pergamenarii*, &c. . *Frontispiece*
Map of Medieval Oxford, showing known sites of Halls, &c. . . . . *to face* p. 543

CHAPTER XII.

THE ENGLISH UNIVERSITIES.

CHAPTER XII.

THE ENGLISH UNIVERSITIES.

§ 1. THE ORIGIN OF THE SCHOOLS AND UNIVERSITY OF OXFORD.

THE first investigations into the history of the University were prompted by the dispute for antiquity and precedence with Cambridge in the sixteenth century, beginning with the *Assertio Antiquitatis Oxoniensis Academiæ* [by THOMAS KAY or CAIUS], printed with Joh. Caius *De Antiq. Acad. Cantab.*, Londini, 1568 and 1574: also edited as *Vindiciæ Antiquitatis Acad. Oxon.* by Hearne, Oxon., 1730. But the first work that can be called a history is BRYAN TWYNE, *Antiquitatis Academiæ Oxoniensis Apologia*, Oxoniæ, 1608. Twyne's view of the antiquity of Oxford was as superstitious as that of Caius: but his Apology represents an immense amount of laborious research, while his twenty-four vols. of MS. collections formed the basis of all later work, a debt very inadequately acknowledged by his better known successor, Wood. [LANGBAINE], *The Foundation of the Universitie of Oxford* (London, 1651), contains nothing but a short account of the Colleges. The classical historian of Oxford is ANTONY WOOD, whose immortal work appeared in a mutilated Latin translation as *Historia et Antiquitates Universitatis Oxoniensis*, Oxoniæ, 1674. *The History and Antiquities of the University of Oxford*, in its original dress of racy English (though not the actual work from which the Latin version was made) was only published by GUTCH at Oxford in 1792–6. (References to Wood are always to this edition, where no work is specified.) Wood also wrote *The History and Antiquities of the Colleges and Halls in the University of Oxford*, ed. Gutch, Oxford, 1786. His *Fasti Oxonienses* was published as an Appendix to the last-mentioned work in 1790. (Another collection of *Fasti* is appended to the *Athenæ*.) Wood's *Survey of the Antiquities of the City of Oxford* (written 1661–6) appeared in a much mutilated form as Sir JOHN PESHALL's *Ancient and Present State of the City of Oxford*, London, 1773. The original MS. has now been edited in a most scholarly fashion by ANDREW CLARK (Oxford, Hist. Soc. 1889–90). The *Athenæ Oxonienses*, consisting of biographies of Oxford 'Writers and Bishops' (London, 1691, 1721, and ed. Bliss, 1813–20), only begins with the year 1500. Wood's successor as chief antiquary of Oxford was THOMAS HEARNE, whose rather trifling contributions to the medieval history of Oxford are scattered through his various works and editions, e. g. *Roberti de Avesbury Historia*, Oxonii, 1720, App. i. (where the 'Bedel's Book' is printed); Leland's *Itinerary*, vol. II. (chiefly on the

CHAP. XII, § 1.

Monasteries) Oxford, 1710 2. &c. There is a complete list of Hearne's writings in *The Life of Mr. Thomas Hearne*, Oxford, 1772. AYLIFFE, *The Antient and Present State of the University of Oxford* (London, 1714), is a readable abridgment of Wood continued to the writer's own times, with some documents. The only really valuable work done upon our history from the time of Wood down to the present decade was that of WILLIAM SMITH, by far the acutest and most critical of our Oxford antiquaries, who, in his *Annals of University College* (Newcastle-on-Tyne, 1728), was the first to dissect and expose the whole tissue of lies about Mempric, Alfred the Great, &c., which have, however, hardly yet disappeared from serious histories. Of PESHALL's [Anon.] *History of the University of Oxford to the death of William the Conqueror* (Oxford, 1772) the title is a sufficient criticism; his *History of the University of Oxford from the death of William the Conqueror* (Oxford, 1773) is a dry compilation from Wood, with a few documents *in extenso*. The *History of the University of Oxford* (printed for R. Ackermann, London, 1814), though in folio form, is little more than an illustrated guide-book. *Oxoniana* (printed for Richard Phillips, London: no date, but about 1810) is a collection of gossipping extracts relating to the University. CHALMERS, *History of the Colleges, Halls, and Public Buildings attached to the University of Oxford* (Oxford, 1810), and INGRAM, *Memorials of Oxford* Oxford, 1837), deal almost entirely with the Colleges and buildings. SKELTON's illustrated *Oxonia Antiqua Restaurata* (Oxford, 1823: 2nd ed. London, 1843) enables the reader to see what old Oxford was like. His *Pietas Oxoniensis or Records of Oxford Founders* (Oxford, 1828) is of less value. HUBER, *Die Englischen Universitäten*, Cassel, 1839 (abridged Eng. Trans. ed. Francis W. Newman, London, 1843), is one of the most worthless University histories which it has been my lot to peruse: it may be described as a history written without materials. The English translation contains, however, as an Appendix, THOMAS WRIGHT's valuable *Historical Doubts on the Biography of Alfred attributed to Bishop Asser*, &c. Cardinal NEWMAN contributed a popular sketch of *Medieval Oxford* to the *British Critic* for 1838 (also in *Historical Sketches*, London, 1872). The same writer also deals with the history of Oxford in an article on *The Rise and Progress of Universities*, originally published in the *Catholic University Gazette*, 1854: but these charming bits of writing have no great value as history. JEAFFRESON, *Annals of Oxford* (London, 1871), is a lively *réchauffé* of the old materials, not without flashes of historical insight, but can hardly rank as serious history. JAMES PARKER, in *The Early History of Oxford* (Oxford Hist. Soc. 1885), has dealt very thoroughly with the early history of the town and the growth of the Oxford myth. MAXWELL LYTE, *History of the University of Oxford* (London, 1886), is the first critical history of the University, and is generally accurate: I am especially indebted to Mr. Lyte's references. BRODRICK, *History of the University of Oxford* (London, 1886), is a condensed sketch of Oxford history, which becomes increasingly valuable after the medieval period. HULTON, *Rixæ Oxonienses* (Oxford, 1892) is a lively popular sketch.

Cox (late Esquire Bedel), *Recollections of Oxford* (ed. 2. Oxford, 1870), is full of interesting notices of old customs. LITTLE, *The Grey Friars in Oxford* (Oxford Hist. Soc. 1892), is a most learned and painstaking piece of work. There is an earlier and very slight, but still useful, study on *The Blackfriars*

in Oxford, by DIMOCK FLETCHER (Oxford, 1882). MACRAY'S learned *Annals of the Bodleian* (Oxford, 1868: ed. 2. 1890) has only a few pages relating to our period. BOASE'S delightful volume on Oxford in *Historic Towns* (London, 1887) must not be passed over, nor ANDREW LANG'S brilliant sketch entitled *Oxford: brief historical and descriptive notes* (London, 1890). *The Colleges of Oxford: their history and traditions, xxi chapters by members of the Colleges* (ed. A. CLARK, London, 1892), contains more original research on the history of Oxford than any book that has appeared in the present century. There are some fragments of University history in *A History of the Church of S. Mary the Virgin, Oxford*, 'by the present Vicar' [FOULKES], London, 1892. The few pages devoted to a comparison between Oxford and Paris in Mr. GLADSTONE'S eloquent and characteristic *Academic Sketch* (Romanes Lecture: Oxford, 1892) are full of interest.

Prof. T. E. HOLLAND has an article on *The Origin of the University of Oxford* in the *Eng. Hist. Review* of 1891, which summarizes the ascertained facts, and there are some suggestive remarks in his article on *The Ancient Organization of the University of Oxford* in *Macmillan's Magazine* for July, 1877. I have already explained my view of the origin of the University in the *Church Quarterly Review* for 1887 and in the *Academy*, No. 839, in a letter which was followed by a controversy between Prof. Holland and myself in Nos. 847, 848, 849, 850, 890.

A *Registrum Privilegiorum almæ Universitatis Oxoniensis*, containing the Charters of Edward IV and Henry VIII, was printed at Oxford in 1770. But the early Statutes remained unpublished till 1868, when they were edited (not well) by ANSTEY in *Munimenta Academica* (Rolls Series), with an interesting Introduction. [This collection represents the following MSS.—the Chancellor's Book known as A, the Proctors' Books B, C, D, the Register of Convocation Aa, and that of the Chancellor's Court, Aaa.] *The Register of the University of Oxford* (1449–1463: 1505-1622) has been edited by BOASE (vol. I. 1885) and CLARK (vol. II. 1887–1889: Oxford Hist. Soc.), a most laborious and important piece of work. A few—too few—medieval documents are printed in *Collectanea* (Oxford Hist. Soc., Ser. 1, ed. FLETCHER, 1885; Ser. 2, ed. BURROWS, 1890). The *Laudian Code of Statutes* (first printed at Oxford in 1634 before its final revision), by which with little modification the University was governed down to 1851, has been re-edited by GRIFFITHS (with Introduction by SHADWELL), Oxford, 1888. *The Statutes of the Colleges of Oxford* were printed 'by the desire of the Commissioners' of 1851 (London, 1853). GRIFFITHS, *Enactments in Parliament relating to the University of Oxford* (Oxford, 1869), is very incomplete for the early period. Some documents relating to the University appear in THOROLD ROGERS, *Oxford City Documents* (Oxford Hist. Soc. 1891) and OGLE, *Royal Letters addressed to Oxford, and now existing in the City Archives* (Oxford, 1892). There is a *Rough List of Manuscript Materials relating to the History of Oxford contained in the printed catalogues of the Bodleian and College Libraries* (Oxford, 1887) by F. MADAN, who has also catalogued the *Oxford City Documents* (1887: not published). I may also refer to the very valuable Catalogue of MS. Authorities used by Wood, which Mr. Clark has added to the last vol. of his edition of *Wood's Life and Times*.

My greatest obligations are after all to the invaluable collections of Bryan Twyne (cited as Twyne), with the two earlier MS. collections of ROBERT

CHAP. XII, § 1. HARE, known as the *Privilegia* and the *Memorabilia*. Of the first there are two copies, one in the Bodleian (Bodley, No. 906), the other in the Archives of the University. I have used the Bodleian copy. The *Memorabilia* is in the Archives. I have also consulted the Smith MSS. in the Library of the Society of Antiquities. All references to documents in Twyne and Hare have been verified and corrected by the originals (except where these are lost), but I have thought it convenient to add the references to their collections, except of course when the documents have been printed.

The Alfredian Legend.

THE connexion of the University of Paris with the Palatine Schools of Charles the Great rests only upon a series of arbitrary assumptions. The theory which traces the origin of Oxford to Alfred the Great aspires to a foundation in contemporary evidence. The Oxford myth was long accepted on the authority of a passage in the Annals of Asser, Bishop of S. David's. This passage is found neither in any extant MS. nor in the earliest printed editions, but made its first appearance in Camden's *Britannia* in 1600 A. D.; whence, three years afterwards, it was transferred to his edition of Asser. The spuriousness of the passage, which is, indeed, sufficiently betrayed by its affected classicality of style, was demonstrated as long ago as 1843 in a dissertation appended to the English translation of Huber's *English Universities*[1]. The myth has recently

[1] In the preceding year Mr. Thomas Wright (*Archæologia*, vol. XXIX. p. 192) had called attention to the legendary character of the whole life: but the first modern historian who pointed out the probability of an insertion appears to have been Lappenberg in his *Gesch. von England*, Hamburg, 1834, I. p. 339 *sq.*

The passage begins thus:

'Eodem anno [DCCCLXXXVI] exorta est pessima ac teterrima Oxoniæ discordia, inter Grymboldum doctissimosque illos viros, quos secum adduxit, et veteres illos scholasticos quos ibidem invenisset; qui eius adventu leges, modos, ac prælegendi formulas ab eodem Grymboldo institutas omni ex parte amplecti recusabant. Per tres annos haud magna fuerat inter eos dissensio, occultum tamen fuit odium, quod summa cum atrocitate postea erupit, ipsa erat luce clarius: quod ut sedaret, rex ille invictissimus Ælfredus, de dissidio eo nuntio et querimonia Grymboldi certior factus, Oxoniam se contulit.' *Anglica, Normannica, Hibernica, Cambrica, a Veteribus scripta*, Frankfurti, 1603, p. 16: *Britannia*, Londini, 1600, p. 331.

In Savile's ed. of Ingulf (*Rerum Anglicarum Scriptores post Bedam*: Londini, 1596, fol. 513 *b*) there is a somewhat similar interpolation, making the writer study at Oxford in the twelfth century, as also at Westminster. Camden was Head Master of Westminster School.

received its *coup de grâce* at the hands of Mr. James Parker[1]. As the result of that writer's laborious investigation into the matter, Sir Henry Savile, of Bank[2], is left under a grave suspicion of having perpetrated the patriotic fraud and the illustrious Camden of having not quite innocently inserted it in his edition[3]. When the supposed authority of Asser is put out of court, the Alfredian legend, even in its simplest and least elaborate form, cannot be traced further back than the *Polychronicon* of Ralph Higden, who died in 1363[4]. In fact, the whole story, with the vast cycle of legend of which it is the nucleus—the foundation by King Mempric, a contemporary of David, the Greek Professors who came over with Brute the Trojan after the fall of Troy, and were established at Greeklade, or Cricklade, in Wiltshire, and the subsequent removal of the University to Oxford—may now be abandoned to students of comparative Mythology and of the Pathology of the human mind.

Early History of the City.

The pains which have been expended in tracking to its origin every single thread in the elaborate web of fiction which is solemnly presented in the guise of history by Bryan Twyne, and with more reserve by Anthony Wood, can hardly be regretted on account of the light which Mr. Parker's researches have thrown upon the early history of the town. It is practically certain that the growth of a town, or indeed of any considerable settlement, on the site of the existing City is certainly posterior, and in all probability much posterior, to the Roman period. The story of S. Frideswyde supplies the earliest evidence which can even pretend to be called historical of the existence of Oxford. That story is subjected by Mr. Parker

[1] *The Early History of Oxford* (Oxf. Hist. Soc. 1885).

[2] To be distinguished from the better known Sir Henry Savile of Eton, the editor of Chrysostom.

[3] See Parker, p. 40 *sq.*

[4] Vol. VI. (ed. Babington, p. 354). The *Historiola* incorporated in the Oxford Chancellor's and Proctors' books (*Mun. Acad.* p. 367) is probably of about the same date. The Mempric story appears for the first time in the *Historia Regum Angliæ* of John Rous or Rosse, the Chantry-priest of Warwick, whose history (if such it is to be called) ends with 1486 A.D. (ed. Hearne, Oxonii, 1716, p. 20 *sq.*).

CHAP. XII, § 1. to a no less exhaustive examination than the Alfredian cycle. Its details—King Didanus and his consecrated daughter, her persecution by a wicked King of Leicester, the miraculous blinding of the King or his messengers, the spring that burst forth at Binsey in answer to her prayers—must of course be treated as legendary embellishments, but we may probably recognize in the legend a germ of historical fact, and accept it as pointing to the establishment of a community of nuns ascribing their origin to S. Frideswyde, somewhere about the traditional date 721 A.D. The foundation of this House—whether or not on the exact site of the modern Christ Church—is the earliest presumptive evidence for the existence of even the nucleus of the later town. The first actual notice of Oxeneford does not occur till the year 912. In that year, according to the Anglo-Saxon Chronicle, Edward the Elder 'took possession of London and Oxford, and of all the lands which owed obedience thereto[1].' Mr. Parker conjectures that it was on this occasion that the City was for the first time fortified, and finds in the Castle Hill the sole surviving relic of tenth century Oxford, and a second centre round which houses must have congregated.

Its advantages as a University town.

Little more is heard of Oxford till the eleventh century, when it becomes a frequent place of meeting for the National Gemot as well as for ecclesiastical Councils. We are not, however, writing the history of the town, but of its University. Yet the fact just mentioned may serve in some measure to answer what is in many respects a perplexing question. Why should Oxford of all places have become the earliest and greatest national University? Ecclesiastically it was a place of very minor importance, and no historical prestige. It was not the see of a Bishopric. Its earliest ecclesiastical foundation—the House which, first as a nunnery, then as a College of secular Canons, lastly as a Monastery of regular Canons, occupied what is now known as Christ Church—was a poor and insignificant foundation, when compared with such Abbeys as Abingdon or

[1] Parker, pp. 116, 324.

Glastonbury. The Collegiate Church of S. George-within-the-Castle, built by the Conqueror's Norman Castellan Robert d'Oilgi in 1074 [1], was a mere Chapel. Even the statelier Oseney was a House of the second rank, and was not founded till 1129, Rewley not till after the rise of the University. The foundation-bulls for erecting new Universities commonly recite in their preambles that the place in question is adapted, by reason of the amenity and salubrity of the air and the cheapness and abundance of victuals, for the use of students. Medieval writers exhaust the resources of their vocabulary in praise of the climate of Paris. Oxford, then almost as completely water-girt as Cambridge, could never have offered many attractions of that kind. The other recommendation, cheapness and abundance of victuals, it may well have possessed. Another essential qualification for a University town often insisted upon in foundation-bulls is facility of access. Oxford was marked out as a convenient meeting-place, alike for the magnates attending a Council or Parliament and for the assemblage of teachers and students from all parts of England, by its central position. It was situated on the border between Wessex and Mercia—the two great divisions of the southern and then most important and civilized half of the kingdom. It was not inaccessible from London, not too distant from the continent, and yet as conveniently situated as any southern town could be for students from the far North and the far West. Not least important, it was on the great water-way of the Thames. The strategic value which resulted from such a position led in the Conqueror's time to the building of the existing Castle [2] tower, which is still the first object that attracts the visitor's attention upon arriving at Oxford by the railway, and later to the construction of those venerable city-walls which still impart so unique a charm to the most delightful of College gardens. To its position, too, must be ascribed the rapid increase in the

CHAP. XII, § 1.

[1] *Annales Monastici*, ed. Luard, IV. p 9 (Oseney); Parker, p. 206 *sq.*

[2] In 1071. *Ann. Mon.* IV. p. 9. Mr. Parker (p. 203) thinks that the tower was the chief addition now made to the earlier Castle.

CHAP. XII, § 1.

commercial importance of Oxford after the final cessation of Danish devastations, and especially after the beginning of the twelfth century, when one of the earliest Jewries was established within its walls[1]. In short, Oxford must be content to accept its academic position as an accident of its commercial importance, not as the offspring of the often exaggerated importance and splendour of its Churches and its Monasteries.

Of course it would be absurd to attempt a demonstration *a priori* that the first and most important English University could have arisen nowhere but at Oxford. But when it is remembered that a central position was a great *desideratum*, that only one of the largest towns in the kingdom would be equal to the housing and feeding of many hundreds or thousands of strangers, and that a Royal vill would be preferred for security and protection alike against hostile townsfolk and oppressive ecclesiastical authorities, it will be evident that hardly one other town could be named which satisfied in equal perfection the requirements of the case.

The University not a development of monastic Schools.

There has been something like a consensus among English writers before Mr. Lyte[2] in connecting the origin of the Oxford Schools with some one or other of the conventual Churches of Oxford—with the Priory of S. Frideswyde's, with Oseney Abbey, or with the Church of the

[1] As to the whole history of the Jews in Oxford, see Dr. Neubauer's essay in *Collectanea*, II. p. 277 *sq.* He has finally disposed of the theory which connects the origin of the University with the Jews—a view to which J. R. Green appears disposed to lean in his delightful sketch of the early history of the town, *Stray Studies*, London, 1876, p. 329.

[2] Mullinger, *Cambridge*, I. p. 80; Anstey, *Mun. Acad.* p. xxxv; Brodrick, *Hist. of Oxford*, p. 3; Laurie, *Rise and early constitution of Universities*, p. 236. Mr. Lyte (p. 12) sees that the nature of the Chancellorship is fatal to a direct continuity between any monastic School and the University, but (p. 9) still seems to attach too much importance to these earlier and purely hypothetical monastic Schools. Prof. Laurie positively tells us that 'before the time of Alfred there were Schools in connection with the Priory of S. Frideswyde's.' If S. Frideswyde's existed before Alfred, it was a Nunnery. It is contrary to all analogy to suppose that a University grew out of a Monastery of Monks, to say nothing of a Nunnery.

Canons Regular of S. George's-in-the-Castle. But, amid all the obscurity which hangs over the origin of the University, one thing may be taken as absolutely certain—that the Schools in connexion with which the University grew up were never at any time dependent upon any capitular or monastic body in Oxford. Had they been so, the Masters and scholars would have been under the jurisdiction of some officer of that body, as the Masters of Paris were under the authority of the Chancellor of Notre Dame. The situation of the Schools sufficiently testifies to the improbability of the hypothesis. The Schools were from the first established in the neighbourhood of S. Mary's, and not in the neighbourhood of S. Frideswyde's[1]. S. Mary's was, of course, only a Parish Church, which was borrowed for the University Congregations. As soon as the constitution of the University becomes known to us, the Masters and scholars are under the authority of the Chancellor of Oxford, an official elected by the Masters, but deriving his authority from the Bishop of Lincoln, and in no way connected with any monastic or collegiate Church in Oxford. Had the Schools at one time been connected with S. Frideswyde's or Oseney, they could only have emancipated themselves from the jurisdiction of the Prior or Abbot by a tremendous struggle, which could not have passed into utter oblivion without leaving a trace or a vestige of itself behind[2].

[1] The suggestion of Dr. Hatch (*The Growth of Church Institutions*, London, 1887, p. 172) that the Chancellor of Oxford may have originally been Chancellor of S. Frideswyde's is open to this objection. The first allusion to the Chancellorship (see below, p. 351) is of a kind which positively precludes such an explanation of the office. Small conventual Houses, in fact, did not usually possess Chancellors. Dr. Hatch seems also to imply that the same officer was commonly styled 'Cancellarius' or 'Scholasticus.' Though the duties of the two officers were nearly identical, I have never found the titles used interchangeably. Besides, how could a monastic official have gradually got loosened from his Monastery, passed into a secular official, and into immediate dependence upon the Bishop?

[2] The sole connexion between the University and S. Frideswyde's lay in the fact that the University Chest was lodged for safe custody at S. Frideswyde's. Had the Masters recently emancipated themselves from the jurisdiction of the Priory,

CHAP. XII, § 1.

Its origin must be sought *ab extra*.

These considerations are amply sufficient to establish a probability, which in the minds of those who have followed the preceding account of the origin of other Universities will perhaps amount to a kind of intuitive certainty, that the origin of the Oxford School must be sought *ab extra*. In Northern Europe the Universities which originated by spontaneous development are always found in connexion with a Cathedral or great Collegiate Church, never in connexion with a Monastery: and Oxford possessed neither Cathedral nor Collegiate Church to account for the growth of its Schools. In Northern Europe the Schools are invariably found to be under the immediate supervision of some local ecclesiastical authority; while at Oxford the Masters seem at first to have enjoyed practical independence; and, when at length their Schools were subjected to ecclesiastical regulation, they were allowed to elect their own Superior, who was dependent only on the distant Bishop of Lincoln. The natural inference from these facts is that the School must have originated—

this is the last place where they would have put it. The authority quoted for the statement that S. Frideswyde's was at one time, before the Conquest, in the hands of the monks of Abingdon is Capgrave (*Nov. Legenda Angliæ*, London, 1516, x. cliii *b*), who says 'Abendoniensi abbati ecclesia sancte Frideswide cum possessionibus suis a rege quodam donata fuit' (based on MS. *Chartulary of S. Frid.*, Ch. Ch. Library, No. 340, p. 8). But this state of things did not continue 'for two generations after the Norman Conquest' (Brodrick, *Hist. of Oxford*, p. 48). On the contrary, Capgrave says that Abingdon was in possession 'per aliquot annos.' It is certain that the Church was in the hands of secular Canons at the date of Domesday and up to the time of the intrusion of the regular Canons. Bryan Twyne (ap. Dugdale, VI. p. 1622) speaks of a 'Monastery of S. Aldate's' as founded in 1122. The 'Monastery' of S. Aldad is mentioned in the *Chron. Mon. de Abendon*, ed. Stevenson (II. 1858, pp. 174, 213), on which his statement is based: but nothing is said as to the date of its foundation, nor indeed does it appear clear that there were then any monks in the House. In any case it must have been a very insignificant foundation. There is indeed no good evidence that there was any Benedictine House in Oxford till the foundation of the Benedictine Halls or Colleges, still less for connecting the origin of the University with any Benedictine Schools, a theory which Mr. Mullinger (*Cambridge*, I. p. 83) seems inclined to accept—in spite of his previous ascription to Oxford of an 'origin similar to that assigned to the university of Paris' (p. 80).

probably at the time of some ecclesiastical confusion—in a migration from one of the great archetypal Universities. No doubt a reader unacquainted with the history of other Universities will be disposed to ascribe an *a priori* improbability to a theory which places the origin of a great University in some sudden and catastrophic movement of this kind. There will, however, be no such prejudice in the mind of the student familiar with the migratory habits of the medieval scholar and acquainted with the early history of academic constitutions. In ascribing the origin of Oxford to an academic migration I am at least ascribing it to a *vera causa*, which is known to have produced the Universities of Reggio, Vicenza, Vercelli, Padua, Leipsic, and other permanent Universities, to say nothing of the enormous number of merely temporary migrations.

Presumably in a migration from Paris.

If Oxford originated in an academic migration, it will hardly be disputed that its original Masters and scholars must have come from Paris, then the ordinary place of higher education for English ecclesiastics. Is there any trace of such a movement in actual history? Previous enquirers seem to have entirely overlooked the allusions to this movement, probably because they are of a kind which could not be discovered by turning out the word Oxford in the indices of the various contemporary chroniclers

Exodus of English scholars from Paris in 1167.

These allusions are sufficient to establish a high probability that the University of Oxford owes its origin to the quarrel of Becket with Henry II. In 1167 the exiled John of Salisbury, in a letter to one Peter the Writer, speaks of certain ominous events which had gone far to fulfil an astrological prediction about the issues of the current year. This prophecy contained the enigmatic statement that the votaries of Mercury (*Mercuriales*) should be depressed: and in that year, the writer continues, 'the *Mercuriales* were so depressed that France, the mildest and most civil of nations, has expelled her alien scholars[1].' Is it not more

[1] 'Bella et seditiones ubique fervent; Mercuriales adeo depressi sunt ut Francia, omnium mitissima et civilissima nationum, alienigenas scholares abegerit.' *Materials for the History of Thomas Becket*, ed.

CHAP. XII, § 1.

than probable, having regard to the state of relations between England and France, that the alien scholars were, or at least included, the subjects of the English king, especially since the English then formed by far the largest body of foreign students at Paris? The event thus obscurely alluded to may have been a measure of hostility aimed by the French King against the oppressor of Holy Church and the English ecclesiastics, who as a body sided with their King against their not yet canonised Primate; or this expulsion may be only rhetorically attributed to France, and the incident may really have been a voluntary exodus such as we have independent reasons for believing to have taken place at about this time. In any case, the movement must have been one of considerable magnitude, since it struck the imagination of contemporaries as worthy of being associated with the disastrous retreat of Frederick I from Rome and other events of European importance[1].

Recall of English scholars by Henry II.

Among a series of ordinances directed against the partisans of Becket by Henry II occurs a provision that henceforth no clerk shall cross from the Continent to England or from England to the Continent without leave of the King or his Justiciar in England. Moreover, at the same time all clerks who possessed 'revenues' in England were to be summoned by the Sheriffs to return within three months 'as they loved their revenues[2].' There can be no doubt

Robertson, VI. pp. 235, 236. Cf. Denifle, *Chartul. Univ. Paris, Introd.* No. 20, where Mercuriales is explained by 'professores bonarum litterarum.'

[1] See the context of the passage cited above.

[2] 'Nullus clericus vel monachus vel conversus vel alicujus conversationis permittatur transfretare vel redire in Angliam, nisi de transitu suo habeat litteras justitiæ et de reditu suo litteras domini regis. Si quis aliter inventus fuerit agens, capiatur et incarceretur. . . . Ut omnes clerici qui reditus habent in Anglia sint submoniti per omnes comitatus ut infra tres menses veniant in Angliam ad reditus suos, sicut diligunt reditus suos, et si non venerint ad terminum statutum, reditus in manu regis capiantur.' *Vita S. Thomæ, auctore Willelmo Cantuariensi*, ap. *Materials*, &c. I. pp. 53, 54.

Here the constitutions appear under 1165; in Hoveden (ed. Stubbs, I. pp. 231, 232) under 1164; in Gervase of Canterbury (ed. Stubbs, I. p. 215), and *Materials*, VII. pp. 148, 149, under 1169. See the notes of Bishop Stubbs on Hoveden *l. c.*, and of Robertson in

that in the middle of the twelfth century scores, in fact hundreds, of Masters and scholars beneficed in England must have been studying in the Schools of Paris. Equally little doubt can there be that a large proportion of them 'loved' their benefices. Hence we are absolutely bound to infer the return to England in obedience to the Royal command of a large body of Parisian Masters and scholars. At all events, all communication with the Continent would have been cut off for the Parisian students passing a vacation in England, and for the intending freshmen of the year, at a time when probably some hundreds of young Englishmen annually left the shores of England for the Schools of Paris. What became of this repulsed scholastic host? Nobody who knows anything at all of the habits of the medieval scholar will doubt that somewhere or other—in one town or in several—at least a portion of these scholars would be sure to congregate under their old Masters, and transfer to English soil their old studies, their old discipline, and—so far as altered circumstances permitted—their old organisation. As a matter of fact, we hear of no such congregation of scholars except at Oxford. If the recalled Scholars did not go to Oxford, where did they go to?

Date of the Ordinances.

The date of these ordinances is not quite certain. By some of the chroniclers they are given under the year 1165, by others (with some variations) under 1169. The best authorities agree in referring them to 1169, and there is no doubt that, if the whole collection is to be referred to the same year, they cannot be placed earlier. In that case the 'expulsion' alluded to by John of Salisbury cannot be connected with the action of Henry II. But it seems quite probable that the ordinances collected together by the chroniclers may really have been issued at different dates; and that this particular edict may have been issued towards

Materials. I may add that the two provisions do not seem quite consistent with each other, and that they are not placed consecutively in spite of their relation to the same subject-matter, which seems to suggest that they may have been issued at different times.

CHAP. XII, § 1. the close of 1167, when John of Salisbury's letter must have been written. That hypothesis will account for the discrepancy between the various chroniclers. In that case we may definitely assign the birth of Oxford as a Studium Generale to 1167 or the beginning of 1168. If any doubt be entertained as to whether an edict against the 'transfretation' of 'clerks' would really have affected the scholars of Paris, we may appeal to a passage in one of Becket's own letters, in which he complains that the King 'wants (or wills) all scholars to return to their country or be deprived of their benefices[1],' while the correspondence of the Becket circle is full of allusions to the strictness with which the ports were watched in execution of the royal orders.

Schools of Oxford before 1167.

In connecting the sudden rise of Oxford into a Studium Generale with the recall of the English scholars from Paris by Henry II in or about the year 1167, I am far from denying that there were already, or had been at an earlier date, Schools of considerable importance at Oxford. A certain scholastic reputation, or a tradition of past scholastic reputation, may well have been one of the causes which attracted the recalled Parisians to Oxford rather than to any other of the few English towns whose size and situation fitted them equally well for the sudden reception of a large body of scholars.

[1] 'Vult etiam ut omnes scholares repatriare cogantur aut beneficiis suis priventur.' *Materials*, VII. p. 146. This letter is referred by Robertson to 1169, but apparently only in consequence of his view as to the date of the Edict.

The following passage from the Letters of John of Salisbury, though it does not mention Oxford, seems to point to the existence of a University town somewhere in England: 'Unde et studiis tuis congratulor, quem agnosco ex signis perspicuis in urbe garrula et ventosa (ut pace scholarium dictum sit) non tam inutilium argumentorum locos inquirere, quam virtutum.' *Materials*, VI. p. 6. The letter is dated 1166 by Canon Robertson, and it must have been written after Whitsunday in that year when the Archdeacon of Poitou was excommunicated, but it may well have been written a year later. That his correspondent Black was in England cannot be proved: I can only appeal to the general tone of this and the preceding letter. He appears to have kept John of Salisbury informed as to the doings of the English Bishops.

Theobaldus Stampensis.

There are two indisputable pieces of evidence, and one very questionable piece of evidence, which tend to prove the existence of not unimportant Schools at Oxford before the year 1167. The first, and by far the most conclusive, of these has been overlooked by all the more recent historians of Oxford. Two letters are preserved from a certain Theobaldus Stampensis, one of them addressed to Faritius, Abbot of Abingdon from 1101 to 1117; the other to the illustrious Roscellinus after he had been compelled to flee (possibly to England) from the violence of his theological opponents. The writer is described as 'Master at Oxford.' In other and earlier letters he appears as 'Doctor at Caen[1].' A comparison of dates then makes it clear that at some time before the year 1117 this French or Norman ecclesiastic, who had hitherto taught

[1] Theobaldus Stampensis is mentioned by Wood (*Annals*, I. p. 140) as an Oxford doctor *sub anno* 1129; but later writers have probably been misled by the authority of Bale and Fabricius, who place him in the thirteenth century. Five letters of Theobald are printed in D'Achery's *Spicilegium*, III. (1723) p. 445, and Migne T. 163, p. 759. They are as follows:—

(1) 'Ad episcopum Lincolniensem —De quibusdam in divina pagina titubantibus.' D'Achery gives the date 1108. The Bishop of Lincoln at this time (1093–1123) was Robert Bloet. The mistake as to the author's date seems to have arisen from confusion with the better known Robert Grossetête, Bishop of Lincoln 1235–1253. The object of the letter is to uphold the efficacy of *poenitentia* in all cases, even without *confessio oris*, where that is impossible.

(2) *Inc.* 'Pharitio venerando Habendonensis Ecclesiæ prælato, domino suo et indubitanter amico Theobaldus magister Oxenefordiæ.' On the certain damnation of unbaptized infants, &c. [As to date, see *Chron. de Abingdon*, ed. Stevenson, 1858, II. pp. 286, 290.]

(3) *Inc.* 'Margaritæ præcellenti reginæ, præcellentis regis filiæ, Theobaldus Stampensis, doctor Cadumensis.' This Margaret must be Queen Margaret of Scotland, who died in 1093.

(4) *Inc.* 'Theobaldus magister Cadumensis Philippo amico suo desiderabili.' A violent attack on monasticism; in fact, an apology for clerical marriage or concubinage.

(5) *Inc.* 'Roscelino Compendioso magistro Theobaldus Stampensis magister Oxnefordiæ.' A violent reply to Roscellinus's attack on the preferment of priests' sons.

There is, of course, no authority for the statement of the authors of the *Histoire Littéraire de la France* (XI. p. 91) that Roscellinus 'excita de nouveaux troubles en Angleterre, dans l'académie d'Oxford, en soutenant que les enfans des prêtres ne pouvoient pas être élevés aux ordres sacrés.' These letters, unknown to any historian of Oxford, are mentioned by Cousin, *Ouvrages inédits d'Abélard*, p. xcvii.

CHAP. XII, § 1. at Caen, transferred his School to Oxford. A little tractate of his against the Monks, preserved in a Bodleian MS., proves that he was not a Monk, though he may very well have been teaching under the authority of the Canons of S. Frideswyde's [1]. An anonymous reply to this very violent onslaught contains the interesting statement that he had under him at Oxford 'sixty or a hundred clerks, more or less [2].' The subject-matter of these literary remains

[1] The MS. (Bodley, 561), written in the first half of the twelfth century, is an 'Improperium cuiusdam in Monachos' which begins—'Thurstano Dei gratia laudabili Eboracensium archiepiscopo T. Stampensis, Magister Oxinefordie' (f. 61), and is directed chiefly against the practice of impropriating parish churches and serving them by monastic priests. The tone of the document may be inferred from one of the opening sentences: 'Aliud est ecclesia, aliud est monasterium. Ecclesia namque est conuocatio fidelium, monasterium uero locus et carcer damnatorum, i. e. monachorum qui se ipsos damnauerunt ut damnationem euitarent perpetuam.' Since Thurstan was Archbishop of York from 1119 to 1139, we get a *terminus a quo*. This treatise cannot have been written before 1119.

[2] The passage is worth quoting in full:

'Et si uagorum noveras uicia clericorum (68 *b*), debueras tamen honorem deferre timori magistrorum et religiosorum canonicorum. *O Coridon, Coridon, que te dementia cepit!* Numquid non sunt ubique terrarum liberales magistri qui dicuntur et clerici? Tu quoque nescio quis nonne magistri uice sexagenos aut centenos plusue minusue clericos regere diceris quibus uenditor verborum cupidus efficeris, forsitan ut eos incautos nequissime fallas, sic ut ipse falleris? Unde ergo ista tua clericorum penuria?' Wood had apparently only seen the extracts from this MS. in James' MS. *Ecloga* (in the Bodleian), but Twyne (*Antiq. Acad. Oxon. Apol.* p. 224) had read the original MS. This extract appeared in *The Academy*, no. 890: Prof. Holland has published further extracts in *Collectanea*, II. p. 156.

It is observable that the monastic *Apologia* throughout opposes canons to monks. The controversy forms part of the great struggle of the time between the monks and the secular (and usually *married*) canons. At the same time it should be observed that even regular canons seem to be included with the 'clerici' and grouped against the 'monachi.' The tractate is largely occupied with proving the necessity of celibacy for canons (whether regular or secular) as well as for monks. The following extract will illustrate these remarks:

'Veruntamen cum ait quod monasterium est locus et carcer damnatorum, i. e. monachorum, cur oblitus est, ut quidem uulgo loquar, et regularium canonicorum? An ignorat quod sanctus Augustinus ypponium ueniens concedente Ualerio tunc episcopo monasterium fundauerit, in quo se et fratres quos ad seruitium Christi de mundana conuersatione predicando subtraxerat aggregauit? Sic enim de illo scriptum legimus. . . . Constat itaque monasterium esse tam canonicorum

makes it plain that he was a Theologian, while he appears to be also included by his opponent among the category of 'liberal Masters.' Another Theologian is mentioned as teaching in Oxford in the year 1133. This was Robert Pullus or Pullen[1], the author of one of the most important collections of 'Sentences' eventually superseded by the more famous work of Peter the Lombard, which is, however, largely based upon the work of his English predecessor. He was afterwards a Cardinal and Chancellor of the Holy Roman Church[2].

Robert Pullen.

Far more doubtful is the received opinion that the eminent Lombard Jurist Vacarius taught at Oxford in the year 1149. It is certain that some years before this date

Case of Vacarius doubtful.

quam et monachorum. Quare ergo oblitus est et canonicorum? Forsitan ne damnarentur canonici sicut et monachi' (f. 63 *a*).

Whether the regular or Augustinian canons turned out the Seculars at S. Frideswyde's in 1111 or in 1122 appears to be doubtful (see Dugdale, *Monasticon Anglicanum*, ed. Caley, II. p. 134; Matt. Paris, *Chron. Maj.*, ed. Luard, II. p. 139; William of Malmesbury, *Gesta Pontificum*, ed. Hamilton (1870), p. 316; Wood, *Annals*, I. pp. 138, 139). According to the S. Frideswyde's Chartulary (MS. Ch. Ch. Library, p. 8. Cf. Twyne, *Antiq. Acad. Oxon. Apologia*, p. 224), the transference took place *circa* 1122, and this is probably the true date. If so, Theobald must have taught before the expulsion of the Seculars; in any case, he was no doubt a Secular himself, teaching probably more or less under the authority of the Canons.

[1] The passage in the Oseney Chronicle runs:—'MCXXXIII. Mag. Robertus Pulein scripturas divinas quæ in Anglia obsoluerant, apud Oxoniam legere cœpit. Qui postea cum ex doctrina ejus ecclesia tam Anglicana quam Gallicana plurimum profecisset, a Papa Lucio secundo vocatus et in cancellarium Sanctae Romanæ ecclesiæ promotus est' (ed. Luard, *Annal. Monast.* IV. pp. 19, 20). The 'Continuator of Bede' (Bodley MS. 712, f. 275) says:—'Eodem anno (1233) venit Robertus cognomento Pullus de ciuitate Exonia Oxenfordiam ibique Scripturas divinas, que per idem tempus in Angliam (*sic*) absolute erant, et scholasticis quippe neglecte fuerant, per quinquennium legit, omnique die dominico uerbum Dei populo predicavit, ex cujus doctrina plurimi profecerunt.' The MS. belongs to the fourteenth century. The statements in the last two clauses are no doubt a rhetorical flourish and have a suspicious resemblance to the passage about Cambridge in the Ingulfine forgery (see below, p. 545). The passage is probably a rhetorical amplification of the Oseney Chronicler's statement.

[2] Some doubt has been expressed about the identity, but see John of Hexham in *Symeonis Monachi Opera*, ed. Arnold, II. London, 1886, p. 319. His *Sententiæ* are published in Migne T. 186: for an account of the book see Erdmann, *Hist. of Phil.* E. T. I. p. 337 *sq.*

CHAP. XII, § 1. he was brought to England by Theobald, Archbishop of Canterbury, to assist in the settlement of that prelate's dispute with Henry of Blois, Bishop of Winchester. Several historians mention the fact that he was the first teacher of the Civil Law in England. But only one writer, Gervase of Canterbury, mentions that this teaching was at Oxford [1]. From the way in which John of Salisbury speaks of these Civil Law lectures, it is more than probable that he means them to have taken place in the 'household' of Archbishop Theobald, in which it is independently certain that lectures and disputations were held on a scale which leads Bishop Stubbs to speak of this Palatine School as a kind of 'University [2].' John of Salisbury was a member of the

[1] The passages alluded to are as follows:—

(1) 'Alios uidi qui libros legis deputant igni, nec scindere vererentur si in manus eorum iura peruenirent aut canones. Tempore Regis Stephani a regno iusse sunt leges Romane, quas in Britanniam domus uenerabilis patris Teodbaldi, Britanniarum primatis, asciuerat. Ne quis enim libros retineret edicto regio prohibitum est, et Vacario nostro indictum silentium: sed Deo faciente eo magis uirtus legis inualuit quo eam amplius nitebatur impietas infirmare.' Joh. Saresberiensis, *Polycraticus*, VIII. c. 22 (MS. Barlow 6 in Bodleian).

(2) 'Magister Vacarius, gente Longobardus, vir honestus et iurisperitus, cum leges Romanas anno ab incarnatione Domini 1149 in Anglia discipulos doceret, et multi tam divites quam pauperes ad eum causa discendi confluerent, suggestione pauperum de codice et digesta excerptos novem libros composuit, qui sufficiunt ad omnes legum lites quae in scholis frequentari solent decidendas, si quis eos perfecte noverit.' Rob. de Monte, *Chronica* (Migne, T. 160. 466) (repeated in the *Chronica Normanniae*, in Duchesne, *Hist. Norm. SS.*, 1619, p. 983).

(3) [After mentioning the contest between Archbishop Theobald and Henry of Winchester]: 'Oriuntur hinc inde discordiae graves, lites et appellationes antea inauditae. Tunc leges et causidici in Angliam primo vocati sunt, quorum primus erat Magister Vacarius. Hic in Oxonefordia legem docuit.' Gervasius Cantuariensis, *Actus Pontificum Cantuar.* (ed. Stubbs, II. London, 1880, p. 384).

It is observable that Gervase evidently knew very little about the history of legal study, since he makes Gratian teach at Rome. The *Actus Pontificum* was written at the earliest in 1199 (I. p. xxvii); the MS. is after the second half of the thirteenth century.

Cf. also Bacon, *Opera Inedita*, ed. Brewer, p. 420. Of modern writers who have dealt with Vacarius, the most important is Wenck, *Magister Vacarius*, Lipsiae, 1820: *Leipsiger Literatur-Zeitung*, 1821, nos. 273, 274. See also Holland in *Collectanea*, II. p. 165.

[2] On these Archiepiscopal Schools, see Bishop Stubbs' delightful *Lec-*

Archbishop's household at the time and cannot have been mistaken. If therefore his statement is inconsistent with that of Gervase, there can be no doubt which of them is to be accepted, since Gervase wrote at the beginning of the following century. But it should be observed that Gervase does not explicitly put the Oxford teaching in 1149. His language is consistent with the supposition that this teaching took place at some later date, and it is certain that Vacarius was living in England as late as 1198[1]. It is likely enough that Gervase made a mistake

tures on Med. and Mod. Hist. pp. 130–1, 142 *sq.* By a singular coincidence Peter of Blois (Ep. vi. ap. Migne, T. 207. c. 17) actually speaks of the clerks in the Archbishop's household as a 'Universitas': 'quod si Deus minori quæ potiora sunt revelaverit, ejus sententiæ sine omni invidia et depravatione universitas acquiescit.' Of course, the word is used non-technically. The study of the Roman Law in England during the second half of the twelfth century was much more vigorous than is commonly supposed. It was not till the following century that it was finally decided that the old common law of England was not to be superseded or modified by the Civil Law of Rome (as was the case in so large a part of Europe), and that the common-law bar was not to be supplied by University-bred ecclesiastics and Civilians. For the number of books on Civil or Canon Law composed in England about 1180–1200 see Caillemer, *Le Droit Civil dans les provinces Anglo-normandes au xiie siècle* in *Mém. de l'Ac. des Sciences etc. de Caen*, 1883, p. 156 *sq.*; and for an alleged attempt to organise Roman Law teaching in London, Appendix xviii.

[1] Hoveden, ed. Stubbs, IV. p. 75. He is also mentioned as a Canon of York in a bull addressed in 1171 to the Archbishop of Rouen respecting the absolution of the Archbishop of York. *Materials*, VII. p. 500; cf. Migne, T. 190. c. 407. A 'magister vacarius' appears in connexion with the North of England in 1175. *Cartul. abbat. de Rievalle*, ed. Atkinson (Surtees Soc. 1889), p. 83 (noticed by Liebermann, *Deutsche Zeitschr. f. Geschichtswissenschaft*, B. iii. p. 195). See also Holland in *Collectanea*, II. p. 170. Prof. Holland has made a very useful collection of the twelfth-century allusions to Oxford hitherto pointed out, but he adds nothing to the above notices for this period except a passage about Robert of Cricklade, afterwards Prior of S. Frideswyde, of whom he says: 'There is no reason to suppose that the schools in question' [in which he was 'Magister Scholarum' when young] 'were situated elsewhere than at Oxford, in which city and its neighbourhood this great scholar seems to have passed his life' (p. 142). Of the gratuitousness of this last assumption readers may judge from the fact that Robert became a Canon Regular at Cirencester (see below, p. 344). Prof. Holland is evidently influenced by the tacit assumption that there were Schools nowhere else but at Oxford. Theobaldus Stampensis tells us that there were Schools at this time in

CHAP. XII, § 1.

about the date, if not about the place, of Vacarius' law teaching[1]. The fact that Vacarius' *Liber Pauperum*, a compendium of the Civil Law, occupied a prominent place in the studies of Oxford towards the end of the century, confirms Gervase's statement that he did teach at Oxford, but it is quite as likely that the teaching was after 1167 as before it[2].

Position as Studium Generale due to Parisian migration.

But whatever may be thought as to the place or date of Vacarius' teaching, the question has little bearing upon the problem with which we are now concerned. The question is not how there came to be Schools in Oxford, but how these Schools grew into a Studium Generale. Up to 1167 we have no evidence of the existence in Oxford of more than one Master at a time: a single Master does not make a University. There were other Schools in England quite as important as we have any reason for believing Oxford to have been in the time of Theobald or Pullen or Vacarius, if the last really taught here before 1167. The question is 'Why did Oxford alone of all these Schools

every town and village: 'non solum in urbibus et castellis, uerum etiam et in uillulis, peritissimi scolarum magistri quot fiscorum regalium exactores et ministri' (Bodley MS. 561, f. 68 *b*).

[1] My doubts on the subject of Vacarius were suggested by Schaarschmidt (*Johannes Saresberiensis*, Leipzig, 1862). At the same time I must point out that he unjustifiably passes over in silence the testimony of the Oseney Chronicler and makes the statement as to Pullus rest on that of the anonymous continuator of Bede only. His view that the Studium had no existence (in post-Saxon times) till 1229 (p. 19) is simply absurd, and could hardly have been made even by Schaarschmidt since publication of the *Munimenta Academica*. This excessive scepticism is the more remarkable in a writer who appears inclined to swallow the Alfredian story.

[2] See the account of Daniel of Merlac or Morley who, arriving from Toledo some time between 1175 and 1200, describes England as wholly given up to the study of Law ('Pro Titio et Seio penitus Aristoteles et Plato oblivioni darentur') and continues 'Tum ne ego solus inter Romanos Græcus remanerem, ubi huiusmodi studium florere didiceram, iter arripui.' (There can be little doubt that the place was Oxford; observe that the Studium seems to have sprung up since the writer left England.) The passage is printed by Holland, *Collectanea* II. pp. 171–2 (cf. below, p. 347, n. 1). In 1187–1200 Giraldus Cambrensis tells a story 'de clerico Oxoniensi, nomine Martino,' from which it appears that the Oxford Law-students were styled 'Pauperistæ.' But see below, App. XIX. In 1195 Giraldus Cambrensis makes the Archbishop hold a Court at Oxford 'præsentibus scholaribus multis et iurisperitis.' (*Opera*, ed. Brewer II. p. 345.)

grow into a Studium Generale?' It is, of course, in itself conceivable that such a Studium may have grown up by purely spontaneous evolution. I have already given reasons for believing that Oxford did not develope in this way. Unless we are to reject all the evidence that we possess as to the Schools of the twelfth century in France and England, we must suppose that Theobald and Pullen taught in connexion with one of the great Churches, probably S. Frideswyde's. Or if a great Master of established repute from Caen or Paris or Bologna may conceivably have been allowed to lecture in defiance of the usual rule without any special authorisation, this supposition cannot be allowed in the case of the humbler Masters of Arts who formed at Oxford and Paris the true nucleus of the University. The hypothesis of a migration is the only one which will account for the independence of the Oxford Masters and the absence of any organic connexion with an Oxford Church. Evidence has been given to show that such a migration from Paris to England did take place about the year 1167. No doubt we cannot prove that the Masters and scholars expelled or recalled from Paris in or about 1167 came to Oxford. All we can show is that the prohibition to study at Paris would naturally tend, sooner or later, to the formation of a Studium Generale in England; that we hear nothing of a Studium Generale for half-a-century after 1167 except at Oxford; that at Oxford there is no evidence of a Studium Generale before 1167, while there is such evidence within a very few years after 1167. The method of exclusions is accounted a good one even in Physical Science. A hypothesis which alone explains all the facts and which is alone in accordance with all known analogies, is entitled to at least a provisional acceptance[1].

The last link in this chain of circumstantial evidence

[1] I do not assert that the connexion of the migration with Oxford is direct and immediate. For (1) the expelled scholars may have halted at and temporarily studied in some other town or towns. (2) Or several Studia may have been set up while only one prospered: as happened with the migration from Oxford in 1209 (see below, p. 349). (3) Less probably, the Studium may have been originally formed by

CHAP. XII, § 1.

Allusions after 1167 testify to generality of Studium.

remains to be set up[1]. It is not merely in their number but in their character that the allusions to Oxford Schools after 1167 differ from the earlier notices. One Master, even if he enjoys a following of 'sixty or a hundred scholars, more or less,' does not make a Studium Generale. After 1167 the notices are precisely of the kind which do

students prevented from going to Paris. In this case most of the Masters must have been Paris Masters, since most highly educated Englishmen (except lawyers) had studied at Paris; and these would naturally have been joined by new arrivals from the Continent. The first suppositions are in accordance with numerous analogies; at the same time there is no evidence for them. What we can be morally certain of is some causal connexion between the proved interruption of intercourse with Paris, *circa* 1167, and the proved emergence of Oxford into a Studium Generale soon afterwards.

[1] We should indeed have to add a most important piece of evidence to those already adduced if there were any ground for the theory that John of Salisbury studied and taught at Oxford in the middle of the twelfth century, and that his description of the scholastic logomachies of his day refers to the schools not of Chartres and Paris but of Oxford. It is sufficient here to say that the theory is devoid of all direct evidence, is very difficult to accommodate to what we know of the facts of John of Salisbury's life, and has arisen merely from an uncritical acceptance of Wood's conjecture (I. 143) that because John of Salisbury mentions Robert Pullus as one of his Masters, and Pullus is recorded to have at one time taught at Oxford, it was at Oxford that John of Salisbury heard him. The theory, accepted by Huber, was elaborately defended by Christian Petersen in his edition of John of Salisbury's *Entheticus de Dogmate Philosophorum* (Hamburg, 1843, pp. 68–81), where the above-mentioned description occurs. Moreover, in the celebrated piece of autobiography in *Metalogicus*, ii. c. 10 we read 'Extraxerunt me hinc (i.e. from Paris) rei familiaris angustia, sociorum petitio et consilium amicorum, ut officium docentis aggrederer. Parui. Reversus itaque in fine triennii reperi magistrum Gilbertum ipsumque audivi.... Successit Robertus Pullus.' The 'return' was probably to Paris, though it may conceivably have been to Chartres. Petersen assumes that the return was from England. Schaarschmidt (pp. 13–21) successfully shows the baselessness and extreme improbability of this view, though some of his reasoning is not conclusive. The 'officium docentis' was more probably exercised somewhere in the country (not necessarily at one place) than (as Schaarschmidt supposes) at Ste Geneviève. Mr. Mullinger tells us that 'John of Salisbury, writing about the year 1152, relates how, when he *returned* to Oxford after his residence at Paris, whither he had gone to study the canon law, he found the wordy warfare raging with undiminished vigour' (*Cambridge*, I. p. 56), thus bringing John to Oxford not once but twice; while an Oxford historian says 'We have the positive testimony of John of Salisbury,' &c.

point to the existence of a Studium Generale in the looser and earlier sense of the word, i. e. to the existence of Schools in more than one Faculty, taught by many Masters, attended by a numerous body of scholars, and by scholars from distant regions. Some of them likewise show slight traces of a germinal organisation similar to that which had just begun to ripen in the Schools of Paris.

Visit of Giraldus Cambrensis *circa* 1185.

The earliest allusion to the Schools of Oxford after 1167 which previous historians have had before them, is contained in the amusing account given by the Welsh traveller and historian, Giraldus Cambrensis, of his visit to Oxford about the year 1184 or 1185 when, as he recounts in the most flattering of all Autobiographies, he read his recently composed book, the *Topographia Hibernica*, before the assembled Masters and scholars. But the story shall be given in his own words. He is modest enough to put his self-panegyric into the third person:

'In course of time, when the work was completed and corrected, desiring not to hide his candle under a bushel, but to place it on a candlestick so that it might give light, he resolved to read his work at Oxford, where the clergy in England chiefly flourished and excelled in clerkship, before that great audience. And as there were three distinctions or divisions in the work, and each division occupied a day, the readings lasted three successive days. And on the first day he received and entertained in his Hostel all the poor (i. e. poor scholars) of the whole town; on the second all the Doctors of the different Faculties, and such of their pupils as were of greater fame and note; on the third the rest of the scholars with many knights, townsfolk, and burghers. It was a costly and noble act, for the authentic and ancient times of the poets were thus renewed, nor does the present or any past age recall anything like it in England[1].'

[1] Giraldus Cambrensis, ed. Brewer, I. pp. 72, 73. For other allusions to the same event, cf. l. c. I. pp. 221, 409; III. p. 92. In the last place the versifier and satirist Walter Mapes or Map, Archdeacon of Oxford, is spoken of as 'Magister Oxoniensis.'

CHAP. XII, § 1.

A large body of Masters.

Here then we have suddenly revealed to us the existence of a Studium on a very much larger scale than any ordinary Cathedral or monastic School. One at least of the characteristics which differentiate the Studium Generale from such Schools is presented to us in the number of Masters, and of Masters in several Faculties, who attended these readings of Giraldus. This is the first piece of evidence which supplies the smallest reason for attributing to Oxford any scholastic reputation beyond what was possessed by Lincoln or Hereford or St. Alban's; and now, we are told, the reputation of the Oxford 'clergy' exceeded that of any other city in England. The suddenness of this rise of the Oxford School is a phenomenon which can hardly be accounted for by any other hypothesis than the one here propounded. But the evidence relates to the year 1184 or 1185. Is it probable, it may be asked, that so large a body of scholars as the migration theory postulates should have congregated in Oxford even for a period of some eighteen years without any other evidence of their existence? I believe it is possible to push back the direct evidence for the existence of a Studium Generale to within a few years of the date at which we have circumstantial evidence of migration of Parisian Scholars into England.

A north-country scholar here, *c.* 1180.

In a recent volume of the *Acta Sanctorum* there has been published a very curious account, written by one of the then resident Canons, of the 'translation' of the body of S. Frideswyde to the new shrine erected for its reception in 1180. Among the miracles which apparently took place immediately after the translation, we read of the cure of a scholar. The mere fact that there was one scholar in Oxford will not prove much for the importance of its Studium any more than the existence of a single Master in 1110 or 1133. But the significant fact is that the scholar was a native of Yorkshire and had come all the way to Oxford 'for the sake of his studies[1].'

[1] 'Morabatur eo tempore apud Oxenefordiam studiorum causa clericus quidam Stephanus nomine, de Eboracensi regione oriundus,' etc. A. SS. Oct. 29, p. 579. I owe this reference to the kindness of the

The Schools were already *de facto* what would afterwards have been called a Studium Generale.

Extensive book trade, 1170–1180.

The second evidence of a University prior to 1185 is an undated conveyance. Bryan Twyne relies much, in proof of his preposterous theories as to the antiquity of the University, upon the bonds and similar documents in relation to property which are preserved amongst the Archives of the University. An examination of these documents, however, discloses only one which proves the existence of a Studium at an earlier date than 1200[1]. This document is a transfer of property in 'Cattestreet[2],' close to S. Mary's Church. Among the parties or witnesses appear the names of one bookbinder, three illuminators, one writer, and two parchmenters—all evidently residing in the immediate neighbourhood of S. Mary's, close to the School Street of later times. However they got there, it is evident by this time that Oxford is a city of Schools. On palaeographical grounds it is certain that the document cannot be much later than 1180[3], if it is not a little earlier, while an examination of the names and subsequent appearances of the witnesses makes it clear that the date cannot be pushed back much before that year.

Rev. W. D. Macray of the Bodleian: but it had not escaped Twyne (MSS. XXI. p. 13).

[1] It is true that Wood (I. p. 136) declares that 'in the ancientest evidences' which he had seen concerning tenements in Oxford, there occur allusions to the 'Vicus Scholarum' and 'Vicus Schediasticorum,' but on such a matter none of the older University Antiquaries can be trusted where they do not produce their evidence. And it is to be noted that Wood does not explicitly state, though he insinuates, that these 'ancientest evidences' belong to the reign of Stephen. Such enquiries and investigations as I have been able to make as to the College Muniments lead me to believe that no such documents of King Stephen's reign exist in Oxford. There are certainly none in the University Archives.

[2] By a blunder of the now extinct Local Board this ancient thoroughfare (leading from Broad Street to the High Street along the front of Hertford College) is now officially designated Catherine's Street, as though the ancient 'Cat-street' was an abbreviation of Catherine Street, an assumption for which there is no evidence.

[3] Such is the opinion of Mr. Macray; and he inclines to place it rather earlier. On the other hand, the use of the form Oxonia which elsewhere, I think, does not occur before 1190, is an argument against

CHAP. XII, § 1.

University Sermons soon after 1170.

Another fresh piece of evidence brings us still closer to 1167. Among the persons cured at the tomb of S. Thomas was Robert, Prior of S. Frideswyde's at Oxford. In giving an account of his previous sufferings, the Prior reminds his hearers how he used to ask to be allowed a chair when preaching in the presence of 'clerks from various parts of England [1].' The Icelandic Saga on the death of Thomas shows that the cure cannot have occurred later than 1172 [2]. At this date, then, we have established the existence at Oxford of precisely what constituted a Studium Generale in the earliest sense of the word—i. e. of a body of scholars, large enough to demand University sermons, and coming from distant regions. Sermons would hardly have been provided for less than a few hundred scholars. Such are the numbers of the Oxford Studium within a few years after 1167. At about the same time, Oxford is mentioned in a contemporary letter, and in a current prophecy of Merlin, in significant juxta-position to Bologna and Paris [3].

pushing it back many years before 1180. Among the witnesses is one Torald, whose son Peter occurs as Mayor of Oxford in documents ranging between 1231 and 1245. See the immense collection of Magd. Coll. documents catalogued by Mr. Macray, a copy of which is in the Bodleian (Gough Add. MSS., Top. Oxon. c. 46, T. V. *passim*). Many of the other witnesses occur in a document of circa 1190–1200 (*ib.* p. 114): cf. his *Notes from the Muniments of Magd. Coll.*, Oxford, 1882, p. 37. With reference to the form Oxonia, it is remarkable that it first occurs in notices of the Schools: it is somewhat rare before 1200. Was it a piece of classical affectation on the part of the scholarly immigrants disgusted with the cumbrous Oxenefordia? The document is reproduced in collotype as the frontispiece to this volume.

[1] 'Testis est mihi populus civitatis nostrae, quem cum in festis diebus, quando loquebar ad eos . . . cum interessent etiam clerici diversorum locorum Angliæ, praetendebam excusationem standi,' etc. *Materials*, &c. II. p. 99.

[2] See *Thómas Saga Erkibyskups*, ed. Magnússon, II. (London, 1883), pp. lxxiv *sq.*, 92 *sq.* From frequent allusions in the Saga it is clear that Robert was one of the biographers of S. Thomas.

[3] 'Verumtamen indomita cervice ferox post vocationis meæ litteras nunc agere causas Parisius, nunc reverti Bononiam, nunc Lincolniam profiscisci, nunc morari Oxenefordiæ ordinas et disponis' (Migne T. 207, c. 185). This passage occurs in a letter from Geoffrey (Plantagenet), Bishop-elect of Lincoln to a Magister Robertus Blondus, and must belong to the period between 1173 and

After such evidence it may seem scarcely worth to mention an allusion to a certain 'Chaplain and scholar of honest conversation' in a fragment of the Llanthony Chronicle preserved by Twyne, but it is significant that the incident relates to the time 'when the blessed Thomas, Archbishop of Canterbury, was in exile[1]': and also that the Chaplain is described both as a Master and a scholar, i. e. a Master of Arts and a scholar in a superior Faculty. Here then we have evidence of more than one Faculty within some two years after our presumed migration.

Character of Evidence.

The conclusion to which all this evidence points is that the real beginning of the Studium Generale at Oxford is due to the settlement therein of a body of Masters and scholars in or about 1167, in consequence of an exodus from Paris caused by the Royal edict, and the cutting off of free access to the great centre of European education. The case is not proved, but the evidence for it is as strong as circumstantial evidence can well be. It must be added that the evidence is of a kind which at every point appeals to the reader's familiarity with the state of education in the Middle Ages; everything turns upon a due appreciation of two facts, first, the close dependence of the Schools in Northern Europe upon Cathedral or other important Churches, and secondly, the habit of gregarious migration characteristic of medieval scholars. Even the evidence produced in this book gives but a faint idea on the one hand of the universality of this dependence upon the Cathedral Chancellor or Master of the Schools, on the other hand of the frequency with which wholesale migrations appear from University

1182. Oxford is also associated with Salerno, Montpellier, Paris, and Bologna by Alexander Neckam, who says that 'luxta vaticinium etiam Merlini, viguit ad Vada Boum sapientia.' (*De Naturis Rerum*, ed. Wright, p. 311.) Mr. T. A. Archer was good enough to point out to me that this prophecy does not occur among the earlier editions of Merlin's predictions. Would not a sudden immigration be more likely to give rise to new prophecies or interpretations of prophecy than a slowly evolved University?

[1] 'Ex relatu Magistri Ricardi de Buleia, quidam capellanus erat Oxoniæ et scholaris honestæ conversationis tempore scilicet quo beatus Thomas Archiepiscopus Cantuariensis futurus Martyr exulabat in partibus transmarinis,' Twyne, XXII. 162.

CHAP. XII, § 1. records to be threatened or contemplated even when they are not actually carried out. The reader may be reminded of a single illustration: a century later Walter de Merton was afraid to localize his College in Oxford lest perchance the Studium should be transferred elsewhere[1].

Possible fluctuation of numbers.

We need not suppose, indeed, that the academic population of Oxford continued to be as large as it probably was during the continuance of the edict against clerical 'transfretation.' We have seen what rapid vicissitudes of fortune attended the infancy even of later and more formally instituted Universities. The numbers attending the Oxford Schools would naturally fluctuate with every change in the political relations between France and England; and in the years 1175–1185 there was a succession of ruptures between the two countries, each of which might divert a fresh party of intending students from their projected journey to the French capital, while each short-lived peace would lead to a depletion of the Oxford Studium in favour of its more famous prototype[2]. But, though there must no doubt have been fluctuations, there is every reason to believe that on the whole the numbers of the University must have rapidly increased, especially during the last decade of the twelfth and the first decade of the thirteenth century.

Frequency of allusions after 1170.

The difficulty of supposing that the Schools of Oxford can have, gradually and unaided by any sudden accession from without, grown to the size and importance which they have attained by about 1170 without further evidence of their existence than is supplied by the mention of two or three solitary Masters is enhanced by the frequency with which, when once this date is passed, the allusions pour in upon us. I have already spoken of the notices belonging to the years before Giraldus' visit in 1184 or 1185. Later on, about

[1] See below, p. 483.

[2] The effect of an outbreak of hostilities between England and the French King is well illustrated by an incident in the life of Giraldus Cambrensis who was thus prevented from going to study Theology at Paris in 1192 and went to Lincoln instead. *Opera*, I. p. 93.

the year 1190 we read of a student from the low countries crossing the seas to go to 'the common Studium of letters which was at Oxford [1].' 'Common' is, of course, a synonym of 'General,' and this is perhaps the first instance of the occurrence of this technical expression in any of its forms. In 1192 Richard of Devizes speaks of the clerks of Oxford as so numerous that the city could hardly feed them [2]. CHAP. XII, § 1.

In the seventh and eighth years of Richard I there occur entries in the Pipe Rolls of payments to scholars maintained in the Schools of Oxford by the Royal bounty [3]. In 1197 an Abbot of St. Edmund's Bury—the Abbot Samson immortalised by Thomas Carlyle—entertained a numerous party of Oxford Masters on a visit to the town [4]. At about the same date Thomas de Marleberge, afterwards Abbot of Evesham, taught Canon and Civil Law at Oxford [5]; Richard I's Scholars. The Abbot Samson.

[1] 'Qui cum mare versus Angliam anno etatis sue quasi 20, transisset communis causa studii litterarum quod fuit Oxonie, estuabat uberius liberalibus artibus se implicare.' *Emonis Chronicon* ap. Pertz, *Mon. Germ. Hist.* SS. XXIII. p. 467. The *Chron. Menkonis* (*ib.* p. 524, cf. 531) makes him study the 'Decreta, Decretales, Librum Pauperum' [etc. of Vacarius] at 'Paris, Orleans, and Oxford.' It is natural to conjecture that he studied Arts and Vacarius at Oxford, and pursued the higher legal studies at Orleans or Paris. I am indebted for this reference to Dr. Poole.

[2] 'Oxonia vix suos clericos, non dico satiat, sed sustentat.' Ric. Divisiensis, ed. Stevenson (Eng. Hist. Soc., 1838, pp. 61, 62). One MS., however, reads 'homines,' which from the context can hardly be the true reading.

[3] 'Nicholao clerico de Hungeria xviii^{li} et xvj^{s} et viiid. ad sustentandum se in scolis a festo Sancti Michaelis anni preteriti usque ad Pascham per breve Regis.' Rot. Pip., 7 Ric. I. (*ap.* Lyte, p. 14). In this and a similar entry in the following year Oxford is not mentioned, but as they occur under the County of Oxford there can of course be no doubt as to the place meant.

[4] 'Quatuordecim monachos de Conventria, qui ibi [Oxonie] convenerant, recepit in hospicio suo, et sedentibus monachis ad mensam ex una parte domus, et ex alia parte magistris scholarum, qui summoniti fuerant, laudabatur abbas magnaminus et magnificus in expensis.' *Jocelini de Brakelonda Chronica*, ed. Arnold *Memorials of S. Edmund's Abbey*, 1890, I. p. 295. Carlyle talks about 'the veritable Oxford *Caput*' (whatever that may mean) 'sitting there at dinner,' without a shadow of justification from the Chronicle. (*Past and Present*, Bk. II. ch. 16.)

[5] 'In ingressu suo attulit secum libros utriusque juris, canonici scilicet et civilis, per quos rexit scholas ante monachatum (*circa* 1200) apud Oxoniam et Exoniam.' A number of other works are mentioned, books of Cicero, Isidore, Lucan, and Juvenal. *Chron. de Evesham*, ed. Macray, London, 1863, p. 267. It is re-

CHAP. XII, § 1.

Testimony of Senatus.

while a correspondent of the Prior of Oseney alludes in the inflated style of the period to the neighbouring City 'in which abound men skilled in mystic eloquence, weighing the words of the law, bringing forth from their treasures things new and old [1].' Finally, the year 1209 introduces us to an academic population of no less (according to a contemporary estimate) than 3000 souls. It was in this year that the event occurred which ushers in the documentary period of Oxford history.

Suspendium Clericorum of 1209.

There is a remarkable parallelism between the events of the year 1209 at Oxford, and the events which in 1200 led to the grant of the Charter of Philip Augustus at Paris. The killing —quite accidental as we are assured by our clerical historian —of a woman by a scholar provoked a raid by the Mayor and burgesses upon the offender's Hostel. Several clerks were apprehended. All England was now distracted by the great quarrel between Innocent III and John. The country at large lay under interdict: the property of the Bishops was under sequestration: the King himself was excommunicated or threatened with excommunication. Under such circumstances it is not surprising to hear that John eagerly gave his consent to the execution of two or—as some accounts say—three of the imprisoned scholars [2]. The

markable that among the books of 'Physics' which follow is a 'liber Democriti.'

[1] Senatus, Prior of Worcester (1189 to 1196). He expresses surprise that he should be consulted on a point of Canon Law by one living near Oxford: 'Quod et uobis propono propter adiacentem urbem in qua abundant prudentes eloquii mistici, ponderantes uerba legis, proferentes omni poscenti de thesauro suo noua et uetera.' The first of the questions propounded was, 'utrum sacerdotes omnes sicut ordine ita indifferenter uti queant clauium potestate ligare sese et soluere, transeuntes quoque et scolares maxime, qui egressi proprium ouile, in pascuis alienis commorantur' (Bodley MS. 633, fol. 209). The question forcibly illustrates the ecclesiastical anomalousness of the Oxford scholastic community and is corroborative evidence for the non-existence of a Chancellor at this time.

[2] The story is told in *Chron. de Lanercost*, ed. Stevenson, p. 4; *Chron. Petroburg.* ed. Stapleton (Camden Society, 1849), p. 6; Matt. Paris, *Chron. Maj.*, ed. Luard, II. 1874, pp. 525–6, 569, and *Hist. Anglorum*, ed. Madden, 1866, II. p. 120; Roger de Wendover, ed. Hewlett, II. 1887, pp. 51, 94; *Chron. de Mailros*, ed. Stevenson (Bannatyne Club), Edinburgh, 1835, p. 107; Walter of Coventry, ed. Stubbs,

clerks pitched upon by the townsmen were, as we are again assured, other than the actual offenders, who had sought safety in flight. The Masters and scholars, after the manner of their class throughout Europe, hastily dispersed. Some went to Reading, the nearest town of importance: others to the great Mother-University of Paris: others to Cambridge. What attracted them to that distant marsh town we know not. Schools of some kind there may conceivably have been there already: but we hear nothing of them before this. In any case, the Studium Generale of Cambridge owes its existence to the Oxford 'suspendium clericorum' of 1209. Altogether, according to Matthew Paris, 3000 scholars left Oxford; and there is no reason to suspect that estimate of more than the usual medieval exaggeration. Though we hear afterwards of some 'profane Masters' who persisted in lecturing in defiance of ecclesiastical or academical authority, the majority of the schools must have been closed, and the existence of the University practically suspended, till the reconciliation of the King of England with the Pope compelled the citizens of Oxford to humble themselves before his Legate. A Legatine Ordinance of 1214—the year of John's grovelling submission—is the first document in the nature of a charter of privilege which the University of Oxford can boast[1]. It possesses for Oxford constitutional history something more than the importance which the charter of Philip Augustus possesses

CHAP. XII, § 1.

Dispersion.

Origin of Cambridge.

The Return and Legatine Ordinance of 1214.

II. (1873), p. 201. Wood (I. p. 183) says that 'intelligence was immediately sent to the Diocesan (the Bishop of Lincoln) and at length to the Pope, who . . . did forthwith interdict the Town.' And Mr. Lyte (p. 18) speaks of 'an interdict, more stringent apparently than that which Innocent III had laid on England in general.' The fact is that none of the authorities speak of any interdict other than the one laid on the country generally, and the 'interdict' of the Scholars themselves. Moreover, Hugh de Wells was consecrated Bishop of Lincoln on Dec. 20, 1209, and was consecrated abroad. Hence Wood's 'intelligence to the Diocesan' is the creature of his own imagination. The Chronicle of Mailros represents the place as already deserted in 1208, on account of the King's tyranny: 'pauci autem remanentes non multi post propter divinorum suspendium ex toto villam interdicendo recesserunt.'

[1] See the doc. in *Mun. Acad.* p. 1 *sq.*: Matthew Paris, *Chron. Maj.* II. p. 569.

CHAP. XII, § 1. for that of Paris. It enjoined first of all that the offenders were to do penance by marching in procession, barefoot and coatless, to their victims' grave, followed by the whole commonalty of the town, whence they were to escort the bodies to the cemetery for burial. For ten years one half the rent of existing Hostels and Schools occupied by the clerks was to be altogether remitted; and for ten years more rents were to remain as already taxed before the secession by the joint authority of the town and the Masters. Further, the town was for ever to pay an annual sum of forty-two shillings to be distributed among poor scholars on the feast of S. Nicholas, the patron of scholars, and at the same time to feast a hundred poor scholars on bread and beer, pottage, and flesh or fish. Victuals were to be sold at a reasonable rate, and an oath to the observance of these provisions was to be taken by fifty of the chief burgesses and to be annually renewed by as many of them (not exceeding fifty) as the Bishop should require.

Origin of Loan chests.

The payment of the annual fine was shortly afterwards (1219) transferred, by an agreement with the town, to the Abbot and Convent of Eynsham [1]. By an ordinance of Bishop Grossetête in 1240 it was applied to the foundation of an institution which is peculiarly characteristic of the English Universities, if not absolutely confined to them [2]. Endowments (such as we find elsewhere) left to be expended in loans without interest to the poor were no doubt a wise and useful form of charity at a time when the Jews were the only money-lenders, and when it was necessary to prevent the Jews of Oxford from charging over forty-three per cent. as annual interest on loans to scholars [3]. This institution was now introduced at Oxford for the especial benefit of scholars. The money accruing to the University was placed in a chest at S. Frideswyde's in which the borrower was required to deposit some pledge—a book, or a cup, or a piece of clothing—exceeding the value of the loan. Pledges not redeemed within a year were sold by public auction.

[1] *Mun. Acad.* p. 4 *sq.* Since the Dissolution, £3 1*s.* 6*d.* has been paid by the Crown, and goes to poor scholars. [2] *Ib.* 8 *sq.* [3] *Ib.* p. 778.

In time private bequests were added to the Frideswyde chest, and the foundation of similar chests became a favourite form of benefaction, the recipients being required to make some recompense for the founder's liberality by saying a stipulated number of prayers for the repose of his soul. Some twenty of these chests were established at Oxford in the course of the Middle Ages [1]. CHAP. XII, § 1.

But by far the most important provision in its bearing upon the development of the University constitution is the clause which requires that a clerk arrested by the townsmen shall be at once surrendered on the demand of 'the Bishop of Lincoln, or the Archdeacon of the place or his Official, or the Chancellor, or whomsoever the Bishop of Lincoln shall depute to this office [2].' Another clause provides that the poor scholars to be feasted on S. Nicholas' Day shall be selected by the Abbot of Oseney and the Prior of S. Frideswyde's by the advice of the Bishop, the Archdeacon of the place or his Official, or 'the Chancellor whom the Bishop of Lincoln shall set over the scholars therein [3].' These are the first allusions in any authentic document to the existence of the Chancellorship, and the words just quoted seem distinctly to imply that at present no Chancellor of Oxford existed. The alternative allowing the Archdeacon to act in matters purely affecting the scholars is hardly explicable except upon the supposition that the arrangements for the appointment of a Chancellor had still to be made, and that some delay might take place in carrying them out. The words 'whom the Bishop of Lincoln *shall* appoint' seem added, not merely because no Chancellor was actually in office, but because the office itself was not yet in existence, Institution of Chancellorship.

[1] *Mun. Acad.* p. 10, 62 *sq.*, 95 *sq.*, 102 *sq.*, 745 *sq.* Some of the ordinances allow the University or a College to borrow.

[2] 'Si uero contingat aliquem clericum a laicis capi, statim cum fuerintis (*sic*) super eo requisiti ab Episcopo Lincolnie uel Archidiacono loci vel eius officiali uel a Cancellario seu ab eo quem Episcopus Lincolnie huic officio deputauerit, captum ei reddent.' Archives (W. P. – P. xii. 1).

[3] 'De consilio venerabilis fratris Hugonis, tunc Episcopi Lincolniensis et successorum suorum uel Archiadiaconi loci seu officialis eius aut Cancellarii quem Episcopus Lincolniensis ibidem Scolaribus preficiet.' *Ib.*

CHAP. XII. § 1.

and its nature consequently required explanation. The only document bearing an earlier date which mentions a Chancellor of Oxford is stamped alike by the character of its contents and by palaeographical evidence as the most transparent of forgeries [1].

Government of Scholars before 1214.

If the Studium was in full working order by 1184 or earlier, while no Chancellor was appointed till 1214, the question may be raised, 'How were the Masters and scholars governed during the former period?' To this question our data do not admit of our giving a complete answer. The ordinary jurisdiction over Masters and scholars would of course fall to the ecclesiastical authorities. It is possible that even the License was granted by the Archdeacon [2]; or

[1] The document which is printed *in extenso* by Bulæus (*Hist. Univ. Par.* II. p. 545) begins 'Sciant uniuersi per presentes nos Cancellarium universitatis Oxonie cum toto cetu magistrorum eiusdem,' and ends 'Dat. Oxonie in domo nostre congregationis in festo S. Jacobi Apostoli An. Dom. millesimo ducentesimo primo.' It purports to bind the University never to cite into its Courts any one residing within the precincts of S. Frideswyde's: and was obviously forged to aid the Convent in a suit against the University. I was convinced of the spuriousness or later date of the document, from which the above words are cited by Wood (Appendix to *Hist. and Antiq.* etc. p. 7), (1) by the improbability that the University of Oxford should have attained a so much higher degree of corporate development than the Mother University of Paris as would be implied by its possession of a common seal, common funds, and special University Courts with considerable jurisdiction; (2) by the use of the expression 'domus congregationis' which implies a building more or less appropriated to University purposes. I afterwards saw the document (Archives, W. E. P.-Y. 1) and found affixed to it a note by Mr. Macray of the Bodleian Library assigning the MS. (which has the seal complete) to *circa* 1380 A. D. Smith, the acute and learned historian of University College, notes it as a forgery (*Annals*, p. 202), and its genuineness was questioned by the older scholars such as Sir Robert Cotton, and Spelman (see Twyne MSS. III. p. 140: where Twyne and Wood are clearly arguing against their convictions). Mr. Lyte has the merit of being the first of the professed historians of the University who has escaped the pitfall into which even Denifle has slipped (I. p. 244)! Another document of the same kind forged by the same versatile Canons occurs in a MS. in Bodley (*Cat. of Oxford Charters*, ch. 127).

[2] The Archdeacon is mentioned rather prominently in connexion with the Schools by the Ordinance of 1214, and it is possible that he had some control over them. He may even have conferred the license; it is certain that he had some jurisdiction over the Grammar Schools (*Mun. Acad.* p. 85, and below,

we may suppose either that the Masters of Oxford, like the Parisian Masters who seceded to Angers and other places in 1219, conducted the Inceptions of new Masters on their own responsibility[1], or that they ventured (like the Masters of Paris on another occasion[2]) to elect an official of their own to give the License.

The Master of the Schools.

At all events it seems pretty clear that some kind of official Head of the Schools must have been in existence (whatever the mode of appointment and whatever his exact functions) before the secession: for in 1211 a Papal Bull (if we may trust Wood's report as to the contents of a lost Chronicle) is addressed to the Prior of Oseney, the Dean of Oxford, and 'Magister Alardus, Rector of the Schools[3].' It is probable that this Rector of the Schools must by this time have received some kind of episcopal recognition and authority; and quite possible that he may have been in popular parlance styled Chancellor in imitation of the Cathedral Chancellor of Notre Dame and other famous Schools connected with Cathedral bodies.

p. 598). It may be worth noticing that the Chancellor of Lincoln's jurisdiction was confined to the Archdeaconry of Lincoln. Linc. Reg. Dalderby, f. 214 *b*.

[1] Notice an expression in the University's letter asking for the Canonization of S. Edmund (*Collectanea*, II. p. 188): 'Ad studium Theologiæ se transtulit, in quo tam mirabiliter in brevi profecit, quod cito post paucos annos, suadentibus multis, *cathedram magistralem ascendit*.' It is likely enough that he was the first D.D. who incepted at Oxford.

[2] See above, vol. I. pp. 336, 394.

[3] The document quoted by Wood (*Fasti*, p. 6) from the lost 'Reg. Cænobii Abendon. quod in particulas dividitur, partic. 5 MS.' is a Papal Bull addressed to the Prior of Oseney, the (Rural) Dean of Oxford, and 'Master Alardus, Rector of the Schools.' It is a natural inference that this official stood in something like the position of the Chancellor (like the 'Master of the Schools' mentioned below, p. 355), but (i) 'Rector Scholarum' may mean simply a Regent Master though it is not often so used as an official designation after a name; (ii) if it were an official dignity, we should expect the addition of 'Oxoniensis' or the like. The question must, therefore, be left doubtful. Another document is cited by Wood (*ib.* p. 5) to show that a Chancellor existed in *c.* 1150, but (i) the date depends upon an uncertain identification, (ii) the document relates to one of the tithe-cases precisely similar to the one referred to the Chancellor of Oxford and others, *circa* 1221: we may therefore, with tolerable confidence ignore this piece of evidence. The document is, so far as I can ascertain, lost. Cf. below, p. 355.

CHAP. XII, § 1.

But nothing further can be stated as to the character of this mysterious office until it received a definite canonical status and the higher style of Chancellorship from the Legatine Ordinance of 1214.

Vacancies in See of Lincoln.

Not unimportant in accounting for the spontaneous evolution of the Oxford Studium and its presiding official is the fact that the See of Lincoln was vacant during by far the greater portion of the period under discussion—a period beginning (it will be remembered) with Henry II's quarrel with Becket and ending with John's embroilment with the Pope and the whole ecclesiastical order throughout the realm [1]. During this time of ecclesiastical confusion we can understand how easy it would have been for the Masters to free themselves from the ecclesiastical yoke against which their brethren were beginning to rebel even at Paris. That Masters were sometimes even after this period admitted to Inception and so allowed to lecture without any regular ecclesiastical License is rendered more than probable by a Bull of Innocent IV in 1246 addressed to Bishop Grossetête from which it appears that even then—more than twenty years after the institution of the Chancellorship—certain persons presumed to ascend the magisterial chair without examination [2]. It is therefore ordered that in future none shall be allowed to teach in Oxford 'unless according to the custom of Paris he shall have been examined and approved' by the Bishop or his representative. Such a state of things is hardly explicable except as a survival of an older *régime* such as must have prevailed up to 1214.

No recognised Chancellorship before 1214.

Whether or not a 'Master of the Schools' or a so-called Chancellor existed before 1214, it is practically certain that he was not recognised by the Bishop as entitled to the latter appellation. Indeed, even after the issue of the Legatine Ordinance, it would seem that the Papal orders were not

[1] From Jan., 1161/2 to 1183 there was no Bishop or no consecrated Bishop, and there were vacancies amounting to seven years after 1184. Cf. App. XXIV.

[2] 'Ut nullum ibi docere in aliqua facultate permittas nisi qui secundum morem Parisiensem a te, vel his quibus in hac parte tuas vices commiseris, examinatus fuerit, et etiam approbatus.' Lincoln Reg. Wells, Bull 15 (Wood, I. p. 236).

immediately or permanently obeyed. It would appear that the Bishop, jealous of his authority over the Oxford Schools, delayed to appoint a Chancellor, or to recognise as such the existing Master of the Schools. At all events, a Bull addressed to the Chancellor of Oxford and two other ecclesiastics in 1221 remained unexecuted on the ground that no Chancellor of Oxford was then in existence[1]; while the famous Grossetête, when he presided over the Schools of Oxford, was only allowed to assume the older and more modest title of 'Rector of the Schools[2].'

Imitation of Parisian Chancellorship.

If in the period of scholastic anarchy the Masters had been in the habit of electing a soi-disant Chancellor, this will explain the fact that the Chancellor, though emphatically the Bishop's officer, was from the first—so far as we know—elected periodically by the Masters from their own number. However the title originated, the office is clearly an imitation of the Parisian Chancellorship. It is the Cathedral dignity reproduced in a University Town which possessed no Cathedral. And this fact is the key to the peculiar character of the Oxford Chancellorship—its almost unique combination of the functions of a continental Chancellor with those of a continental Rector. On the

[1] See the document in Appendix XXI. But in 1225 there is a prohibition to the Archdeacon, Chancellor, and Dean of Oxford who had cited the Dean of the King's Free Chapel of S. Martin's in a tithe-suit under a Papal Commission of precisely the same character. (Rot. Claus. 9 Hen. III. m. 8 *dorso*.) The Dean 'gerens vices Cancellarii Oxon.' also decides a dispute as to the tithes of Walton delegated to the Chancellor with others, in 1230. (*Registrum Malmesburiense*, ed. Brewer & Martin, II., 1880, pp. 30, 59.) The Bull had been addressed to the Rural Dean and Chancellor with the Abbot of Evesham. See also below, App. XXI. In a document in the burned Cottonian Chartulary of Oseney Grossetête speaks of 'illius qui auctoritate diocesani iurisdictionem scholarium Oxon. habuerit.' (Twyne XXII. 288.)

[2] In one of his controversies with the envoy of the University (1294 A.D.), Bishop Sutton 'adjecit quod beatus Robertus quondam Lincolniensis Episcopus qui huiusmodi officium gessit dum in universitate predicta regebat in principio creationis sue in episcopum dixit proximum predecessorem suum Episcopum Lincolniensem non permisisse quod idem Robertus vocaretur Cancellarius sed Magister Scholarum.' Lincoln Register (Sutton), f. 117. (Twyne XII. p 7.)

CHAP. XII, § 1.

Functions of Chancellor same as at Paris.

one hand we find the Chancellor of Oxford entrusted with all the functions exercised by the Parisian Chancellor at the same period, before his rights had begun to be curtailed by the usurpations of the magisterial University and the Papal Bulls by which those usurpations were supported. Scholars were in England, as in France, treated as clerks and therefore entitled to trial in the ecclesiastical courts. This jurisdiction was in ordinary cases exercised by the Chancellor, though at first his jurisdiction did not exclude the occasional interference of the Bishop or even of the Archdeacon. The analogy between the Oxford and the Paris Chancellorships at the beginning of the thirteenth century —though not after that—is complete in everything but the connexion of the former with the Cathedral[1]. As an ecclesiastical judge, the Chancellor of Oxford enforces his process by excommunication and penance, suspension or deprivation of the magisterial License, suspension or deprivation of the scholastic privileges. Entrusted with a general supervision of the Schools, he issues proclamations against bearing arms, against disturbance of the peace, against the formation of conspiracies, and a variety of similar offences[2], and enforces them by threats of excommunication. In one point only does the parallel fail, and that is only one result of the fundamental difference in the conditions—the absence of a capitular body. At Oxford there was (so far as we know) no episcopal prison; at all events the Chancellor was never allowed to use it; Lincoln was a long way off; nor was there any great Church like

[1] Almost the only clear parallel is the Chancellorship of the Medical University at Montpellier, which originated at almost the same period. See above p. 119 *sq.*

[2] 'Auctoritáte domini Cancellarii excommunicati sunt omnes illi solemniter qui pacem Universitatis Oxoniæ perturbaverint, *Item*, omnes qui ad hoc foedus inierint vel societatem. . . . *Item*, prohibet Cancellarius, sub pœna excommunicationis, ne aliquis ferat arma,' &c., *Mun. Acad.* p. 16. The exact date at which these proclamations were first made is uncertain but immaterial. They are clearly made by the Chancellor on his own authority, not by that of the Masters. It was just this kind of proclamation which provoked the hostility of the Masters of Paris against the Chancellor. See above, vol. I. p. 311 *sq.*

Notre Dame at Paris in whose cloister or precinct a convenient Chancellor's prison could be found. Consequently the Chancellor had to send his prisoners either to the King's prison in the Castle or to the town prison over the Bocardo gate [1]. This necessity was calculated to prepare the way for that confusion between ecclesiastical and secular jurisdiction which was such a remarkable feature of the Oxford Chancellor's position.

Originally then, it should be clearly understood, the Chancellor's authority was derived from the Bishop and from the Bishop only. Primarily the Chancellor was an officer not of the University but of the Bishop. He derived his jurisdiction over scholars from the fact that they were ecclesiastics, not from the fact that they were members of a University: his jurisdiction extended to laymen only so far as laymen were subject to the authority of the ordinary ecclesiastical Courts. Though the Chancellor was an officer specially deputed by the Bishop to superintend the Studium, the law which he administered was the ordinary Canon Law. On the other hand, though originally and constitutionally the functions of the Oxford Chancellor exactly corresponded with those of the Chancellor of Paris, yet practically even from the first his position was very different. We have seen how at Paris the Schools and the rights of the Cathedral over them were more ancient by some centuries than the University proper. At Oxford the University, instead of being an innovation, was probably in some rudimentary form coeval with the Chancellorship. Whatever degree of association existed between the Masters of Paris in the time of Jean de la Celle [2] must no doubt have been reproduced at Oxford from the days of the original Parisian settlement to which we have seen reason to trace the origin of the Studium Generale. With the Parisian Masters, and the Parisian modes of lecture and disputation, would naturally come the Parisian custom of Inception and the periodical Congregations which that

But at Oxford the Chancellor became an officer of the University.

[1] See below, pp. 392, 393.

[2] Cf. above, vol. I. pp. 293, 294.

CHAP. XII, § 1. custom implied. At Paris the Chancellor was a member of a corporation incomparably richer, more eminent, and more splendid than the new society of poor, obscure, and mostly plebeian teachers who at the end of the twelfth and the beginning of the thirteenth century began to claim a share in the admission of new Masters and the regulation of their professional conduct. At Oxford all the causes which could tend to throw the Chancellor into collision with the University were absent. The Chancellor was a member of no hostile corporation; he owed his own existence to the University. The Bishop was too far off, and his diocese too enormous, to meddle much with the details of administration.

The Chancellorship election.

And on their side the scholars had no ground for viewing with jealousy the jurisdiction of the Chancellor. If the Chancellor was not from the first elected by the Masters themselves, which there is no reason to doubt, he was at least chosen from their own ranks[1]. It is practically certain that the University proper, the Society of Masters, could, by the beginning of the thirteenth century, have had no permanent officers of its own: in all probability it continued longer than Paris in the acephalous condition from which that University emerged mainly for the purpose of resistance to the Chancellor's autocracy. Under these circumstances the Chancellor of Oxford passed naturally and insensibly into the position of the Head of the University. While the Bishop's representative thus gained a position in the magisterial guild from which the Paris

[1] Adam de Marisco in a letter to Grossetête speaks of a Master Ralph of Simplingham 'cui officium regendæ congregacionis scholarium Oxoniensium dudum comisistis,' but apparently (though the passage is not quite clear) the appointment was made 'de multitudinis assensu.' (*Monumenta Franciscana*, ed. Brewer, London, 1858, I. pp. 100–1.) The word *multitudo* is very suggestive of the rudimentary state of the Oxford 'Congregation' or Guild at this time. The letter clearly shows how completely the Chancellor was at this time the representative of and responsible to the Bishop; yet already he is identifying himself with usurpations on the part of the University of which the Bishop complains. The Chancellor is never found siding (as at Paris) with the Bishop against the Masters.

Chancellor was always jealously excluded, the University practically appropriated to itself the judicial powers of the Chancellor. The distinction between the jurisdiction which the Chancellor exercised as the representative of the Bishop and the jurisdiction which he wielded as Head of the Masters' guild was rapidly lost sight of. The Chancellor, by becoming dependent on the University, made himself practically more and more independent of the Bishop from whom he derived his authority. Hence the enormous superiority of Oxford to Paris in point of privilege and independence. To the Masters and scholars of Paris privileges were, indeed, dealt out by Pope and King with no niggard hand. But, though exempted from the jurisdiction of the ordinary tribunals, they were not placed under that of their own officers. Everything was done for the University, very little by it. When these privileges were first conferred, the University itself possessed no recognised Head, and it would hardly have occurred to any one to confer an extensive legal jurisdiction upon the ever-changing Rector of the Artists. At Oxford the original jurisdiction which the Chancellor possessed as the Bishop's representative served as a basis for further extensions by King or Pope, and the power of the Chancellor meant in the long run the power of the University. In process of time the amalgamation of authority, academic and ecclesiastical, civil and criminal, in the hands of the Chancellor of Oxford was such as has scarcely been wielded by the Head of any other University except Cambridge. All the functions which at Paris were divided between the Apostolic Conservator, the Provost of Paris, the Chancellor, the Bishop's Court, and the Rector, were united in the hands of the Oxford Chancellor, as well as a share in the government of the town for which at Paris there is no parallel at all. And here we may take occasion to observe the importance to Oxford of its position as a city which was neither a capital nor a see-town. It would have been impossible for a University which had grown up beneath the shadow of an episcopal palace to have completely shaken off the authority

Consequences of this difference.

CHAP. XII, § 1.

of the Bishop: it would have been impossible for the most clerically-minded monarch to have placed a great capital in subjection to even the most dignified of academical dignitaries.

The University of Masters in rudimentary form probably dates from 1167.

In dealing with the early history of the Schools of Paris, I insisted strongly on the necessity of distinguishing between the growth of the Schools and the growth of the University. We have seen reason for presuming that at Oxford the first rudiments of University organization were introduced by the immigrants of 1167–8. It remains for us to call attention to two slight positive traces which are found—in addition to what is implied by the custom of Inception—of the existence of some such organization. Both of them occur in the already mentioned Legatine Ordinance of 1214. Among the Legate's injunctions there is the proviso that Masters who 'irreverently lectured after the recession of the Scholars' shall be suspended from the office of lecturing for three years [1]. It is therefore probable that some kind of formal Cessation or Dispersion had been decreed by the Masters immediately after the outrage: and the issue of such a decree implies a certain amount of organization or at least a habit of combination and co-operation. Moreover, half the rent of existing Halls and Schools 'as taxed by the common consent of the clerks and the burghers' was to be remitted for ten years: while in future Halls were to be taxed by a joint board of four burghers and four clerks [2]. Whether or not there had been regular

[1] 'Magistri uero, qui post recessum Scholarium irreuerenter legerunt Oxonie, suspendentur per triennium ab officio legendi ibidem.' Archives (W. P.–P.) xii. 1.

[2] 'Medietas mercedis hospitiorum omnium locandorum clericis in eadem uilla, mercedis inquam taxate communi consilio clericorum et burgensium ante recessum scolarium.' Such is the reading of the original Letters-patent of the Bishop of Tusculum preserved (seal complete) in Archives, *l. c.* The copy of the letter to the Burgesses in the Chancellor's and Sen. Proctor's Books (A. f. 46. B. f. 4: *Mun. Acad.* p. 1) —reads 'communi consilio clericorum *et nostro*' which of course cannot be right (the original of this document is missing). The 'nostro' evidently comes from the bond *of the burghers* drawn up clause by clause in accordance with the Legate's direction, of which the original (or an original draft for it) is preserved in the Archives (W. P.–P. xii. 4). The original Ordinance addressed to

Taxors before 1209 (which is the most natural inference), the Masters must at least have possessed some organisation which admitted of their negotiating with the burghers in a corporate capacity. In either case it is worthy of notice that the office of Taxor, which has only recently been abolished in the University of Cambridge, was the earliest University office at Oxford, as presumably it must have been in the Mother University of Paris. But how low a degree of organisation is implied by these indications is illustrated by the fact that while copies of the Legatine Ordinance are addressed to the burghers, to the Bishop, and to 'all the faithful of Christ,' none was sent to the Masters themselves, who were not looked upon as a corporation sufficiently definite to be capable even of receiving a letter. The process by which the University emerged out of this rudimentary condition, will be considered in the next section [1].

§ 2. THE CONSTITUTIONAL DEVELOPMENT.

Imitation of Paris.

The University of Oxford, in its primitive form, may be looked upon as an imitation, perhaps we ought rather to say an unconscious reproduction, of the Parisian Society of Masters. It will be remembered that, up to the date at which the existence of a Studium Generale at Oxford is first revealed to us, the University of Paris was what has been called a merely customary Society without officers, written Statutes or any other attributes of a recognized legal corporation. At Oxford as at Paris the bare existence of such a guild is all that we can trace till after the close of the twelfth century. The University is as yet an idea rather than an institution.

Custom before Statute.

During the thirteenth century the intercourse between Paris and Oxford was so close that every fresh development of corporate activity on the part of the Masters of Paris was more or less faithfully imitated or reproduced at

the Bishop which also reads 'burgensium' is in Archives W. P.–P. xii. a (seal broken).

[1] I am glad to be able to claim the adhesion of the Bp. of Peterborough to my hypothesis of a Parisian migration. (*Archaeol. Journal*, 1892, p. 272.)

CHAP. XII, § 2.

Oxford, though the process of development was modified at every step by the different position of the Oxford Chancellorship. Written Statutes, a common seal, elected officers were pretty sure sooner or later to make their appearance. But an attentive examination of the earliest documents connected with the Oxford Schools shows that for the first half century of their existence the University retained to a large extent its primitive character of a customary rather than a legal corporation. The right of the University to a common seal was disputed as late as the episcopate of Grossetête[1]. Even after the date of the earliest written Statutes we hear more of the 'customs' of the University than of its Statutes: and we do not hear anything at all of Statutes till 1252. In that year (March, 125½) we find the University enacting, or reducing to a written form[2], what has ever since remained a characteristic feature of the Oxford constitution—the requirement that no one should be admitted to the Licence in Theology who had not previously been a Regent in Arts.

First Statute, 1252.

Irish riot: oath to the peace.

To the same year belongs the settlement of a dispute between the Northern and the Irish scholars[3]: for there

[1] Adam de Marisco thus writes to the Bishop to apologize for the Chancellor: 'Signo illo quod dicitur universitatis Oxoniæ, quo in simplicitate sua *sicut et plures antecessorum suorum* usus est, de cætero si jusseritis nequaquam usurus, et ad nutum beneplaciti vestri suo cedet officio.' *Mon. Francis.*, ed. Brewer, I. pp. 100–1.

[2] *Mun. Acad.* p. 25; *Mon. Francis.*, I. pp. 346–348. Notice the expression 'Statuit .. et, si statutum fuerit, iterato consensu corroborat,' (*l. c.*), as showing the uncertainty and informality of any earlier resolutions of the University.

[3] *Mun. Acad.* p. 20 *sq.* A similar agreement was made in 1267 by twenty-four of each side after exchanging the kiss of peace. Five persons were to be elected from each northern county, who in turn were to elect 'tres capitaneos,' each Irish province likewise to elect twenty-four, who were to name one Captain: all disputes were to be settled by the four Captains; if they could not agree they were to appeal to *arbitri*, and only in the last resort to the Chancellor or 'Hebdomadarii' (see below p. 437): 'et dicte communitates ad penam triginta librarum se obligauerunt quod communitas hinc inde manu armata non insurget in. aliam et quod communitas alterutra vim inferens armatam, si super hoc fuerit conuicta, ad dicte pecunie solucionem alteri communitati nomine dampnorum et interesse quacunque cohercione per Cancellarium compellatur' [Archives, W. P.—I. 13 *a*. Most of the 24 seals remain; it is noticeable that several of them are

was an Irish question even then. The document reads like a treaty of peace between hostile nations rather than an act of University legislation. Twelve arbitrators were chosen on each side, and thirty or forty 'rich men whether Regents or otherwise' were sworn to observe the conditions of peace and to denounce any violation of them to the Chancellor. At the same time it was provided that a similar oath should in future be taken 'by Inceptors in whatsoever Faculty together with the accustomed oath,' as well as by nobles. The punishment denounced in the event of refusal is 'withdrawal of the fellowship of the Masters.' It is noteworthy that in these early enactments no special appeal is made to the authority of the Chancellor so long as the penalty is one which the University itself had the power to inflict[1]. Even formal Statutes run in the name of the University only, nor are they even entrusted to the Chancellor for execution. Whether the Chancellor was or was not actually present, whether or not he in any sense 'presided' at the earliest Congregations, it is impossible to pronounce with certainty. Moreover, the above-mentioned agreements or treaties of peace appear to be made at general mass-

impressed from ancient gems; the Chancellor's consent is also preserved (*ib.* I. 13 *b*), the Chancellor's seal being a man holding, not (as Wood says) either a crucifix or a rosary, but a chained book.] Another agreement of the same kind was made in Lent 1274, 'inter Australes, Marchiones, Hybernienses et Walenses ex una parte et Boreales et Scotos ex altera' (Archives, W. P.—I. 12). 'Omnes et singuli de Universitate tam maiores quam minores' swore to observe it, and 'ad mandatum Cancellarii insurgent' against perturbers of the peace. Persons suspected of violence were to be required to give security 'per pignora aut per clericos beneficiatos,' or be expelled, and all swore to assist the Chancellor in forcibly carrying out this sentence. The agreement was made 'de pleno consensu omnium magistrorum regencium et non regencium dominorum et bachelariorum maiorum et minorum Vniversitatis.' One of the Masters mentioned was John of London, the mathematician praised by Roger Bacon (below p. 526).

[1] 'Alioquin Magistrorum et Scholarium eis societas subtrahatur' (*Mun. Acad.*, p. 22). So in the Statute about theological degrees: 'Ipso facto a societate Magistrorum et privilegiis Universitatis privatus existat' (above, p. 362). We learn from Adam de Marisco (*Mon. Francisc.*, I. p. 346) that the Chancellor assented to this last Statute, but the Statute is actually enacted by the University: 'Statuit Universitas Oxoniensis' (*Mun. Acad.* p. 25).

CHAP. XII, § 2. meetings of the whole University, including students (or at least Bachelors) as well as Masters. Indeed, for a time we almost seem to trace a democratic organization of Masters and scholars (after the fashion of Orleans or Angers) existing side by side with the strictly magisterial University—an organization which in 1267 (and possibly earlier) even elected four Captains for the preservation of the peace[1]. However, this democratic University (if such it can be called) may have been little more than a temporary expedient: in any case it never seems to have taken upon itself any functions except the preservation of the peace and the support, by armed force if necessary, of the Chancellor's authority, and was gradually superseded by the more regular guild of Masters.

Position of the Chancellor.

A strictly magisterial Statute of about the same period against dancing or other riotous celebrations in Churches upon the Festivals of the patron Saint of a 'nation' or diocese, shows with great clearness the purpose for which the co-operation of the Chancellor was originally sought, and indeed the origin of his position as President of the University as well as the Bishop's representative in the Studium. The 'Decree and Statute' is issued 'by the authority of the Chancellor and Masters Regent with the unanimous consent of the Non-Regents[2].' The Masters conclude by enjoining its observance 'by the authority of the Chancellor' under pain of imprisonment and the greater excommunication[3]. If the Chancellor did not from the first preside in the University Congregations, the convenience of obtaining the sanctions of excommunication and imprisonment for the decrees of the University proper made it expedient to obtain his approval for its acts. It soon became usual (if it was not from the first) for the Chancellor to be present whenever a Congregation of all Faculties was

[1] See above, p. 362, n. 3. These were, however, apparently taken exclusively from the Northerners and Irish.

[2] 'Auctoritate domini Cancellarii et Magistrorum regentium, cum unanimi consensu Non-regentium, decretum est et statutum,' &c. (*Mun. Acad.* p. 18).

[3] 'Hoc etiam decretum auctoritate ejusdem Cancellarii, sub pœna majoris excommunicationis, præcipimus observari . . . et incarcerationis diutine' (*ib.*).

to be celebrated. Indeed, since he was himself a Doctor of Theology, or some other superior Faculty, as well as Chancellor, he would necessarily attend all such meetings; and, at a time when the University itself had no permanent officers of its own (unless the Taxors are regarded in that light), it was natural that he should more or less occupy the position of President at any Assembly in which he appeared.

The Proctors are the original University Executive.

And yet there remained, and remain to this day, in our academical constitution clear indications of the fact that the Chancellor was originally an extra-University official, and was not the proper executive of the Masters' guild. It was the Proctors, not the Chancellor, who in 1252 were empowered to demand the oath for the conservation of the peace. It is to the Proctors a few years later that the execution of the sentence of suspension denounced for violation of the Statutes is entrusted[1]. In certain cases at all events it is the Proctors who summon Congregation. To this day it is the Proctors who administer all oaths and declarations, who in the Regent Congregation submit graces to the House and in all Congregations count the votes and announce the decision[2]. In these and in other ways we from the first find the Proctors jointly performing many of the functions naturally incident to the presidency of an Assembly or the executive of a Society and as such discharged at Paris by the Rector. The fact is the more

[1] *Mun. Acad.* pp. 22, 30: 'Faciant Procuratores congregationem fieri.'

[2] Note that in the early Statutes the Chancellor's presence is not expressly mentioned except where Non-regents were summoned as well as Regents. It is not impossible that at first the Proctors presided over Congregations of Regents in all Faculties as they undoubtedly did over Congregations of Regents in Arts. Even in the Fifteenth Century Register (Archives, Aa) we find that in a Regent Congregation the graces are 'pronounced' (i. e. declared carried) by a Proctor, while in the Great Congregation (i. e. of Regents and Non-regents) the Chancellor performs that function. In our modern 'Convocation' and 'Congregation of the University of Oxford' the question is put by the Chancellor, but the decision is announced by the Senior Proctor: but in the 'Ancient House of Congregation,' the graces are still put to the House, as well as 'pronounced,' by the Senior Proctor. See Appendix XXXIII on the modern constitution of the University.

CHAP. XII, § 2.

remarkable since the Oxford Proctors, like the Parisian Rector of the thirteenth century, always remained primarily the officers of the Regents in Arts, not of the whole University. At Paris the University was obliged to employ the Rector as its executive because it had no proper executive of its own. At Oxford, though the Chancellor early became, if he was not from the first, the acknowledged Head of the University, he is still so far felt to be above and outside the teaching corporation that many of the functions which would naturally attach to such a position, devolve upon the more democratic Proctors. In the documents which mention the consent of the Chancellor, he appears rather as an external authority whose approval might in certain cases be necessary to give effect to the decisions of the University than as an essential element in the University itself. The Masters are bound by oath or solemn promise to obey both Chancellor and University[1]; each authority is supreme in its own sphere. The Statutes assume at times the form of treaties between two independent contracting parties[2]. This state of things could not or at all events did not last long: the two authorities were fused into one: and the developed Oxford constitution is the result of the fusion. The Chancellor loses his independent position and becomes the presiding Head of the University. The University submits to the presidency of the Bishop's officer, but at the same time, by as it were absorbing the Chancellorship into itself, is able to arrogate to itself all the powers of that office. Some of the anomalies which resulted from such a fusion shall be traced hereafter[3].

The Chancellor absorbed into the University.

[1] 'In fide qua teneris Domino et Universitati' (*Mun. Acad.* p. 30). 'Dominus' might conceivably mean the Bishop.

[2] So in 1257 (the Statute prescribing the form for denouncing a Master suspended), 'In hanc formam consentiunt Cancellarius et Universitas Magistrorum regentium Oxoniæ.' (*Mun. Acad.* p. 30.) His consent is here necessary, since a suspension of a Regent from lecturing involved a temporary withdrawal of the Chancellor's Licence. Notice that in this Statute the usual purpose of Congregations is to celebrate (1) Inceptions, (2) Funerals. It was the same at Paris, above, vol. I. pp. 300–1.

[3] It is impossible to say to what extent in the early days of the University the Chancellor would

Two years after the date of the earliest extant Statute, the University of Oxford, at about the same time as the mother University of Paris, received the confirmation of all its 'immunities, liberties, and laudable, ancient and rational customs, and approved and honest constitutions' from Innocent IV. It is worthy of notice, as showing that the Chancellor is still hardly regarded as an integral part of the University, that the Bull is addressed not to the Chancellor and University but (after the manner of Bulls addressed to the Masters of Paris) simply to the 'Masters and scholars sojourning at Oxford in the diocese of Lincoln[1].' At the same time the University obtained for its members a privilege against being summoned by Papal delegates to answer outside Oxford in respect of contracts made within it[2].

Papal confirmation of Statutes 1254.

Though by placing itself virtually under the presidency of the Chancellor, the University of Oxford as a whole acquired a Head earlier than Paris, separate meetings of the Faculty of Arts were essential, if it was only for the celebration of the all-important Inceptions. The example of the Parisian Masters of Arts in dividing themselves into Nations and placing elective officers at their head was early imitated at Oxford. It is somewhat tempting, indeed, to conjecture that at one time the mystic number four, which had spread from Bologna to Paris in the first or second decade of the century, was reproduced at Oxford

The Nations.

have claimed the right of vetoing a Statute in the name of the Bishop, who certainly asserted a very paternal control over the University (see below, p. 419). In the later constitution of the University there is no trace of such a veto, which however the Chancellor or Vice-Chancellor obtained by the Laudian Statutes and still possesses.

[1] *Mun. Acad.* p. 26. The reader of Wood should be warned that the Bull of Alexander IV, maintaining the jurisdiction of the Bishop over the 'Universitas clericorum castri Oxon.' referred to by Wood, I. p. 250, has nothing to do with the University, but refers to the clergy of the Churches within the Castle precinct. It is given *in extenso* in Twyne MSS. II. f. 19, and again in VII. p. 345, where it is mistakenly referred to the year 1209.

[2] Bliss, *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*, I. (London, 1893), p. 306. The grant was for five years only—a fact which no doubt accounts for its disappearance from our Muniments and Statute-books.

CHAP. XII, § 2.

also. At all events in 1228 (a few years after the first appearance of Proctors at Paris), we read that a dissension broke out between the scholars and the townsfolk, and that an agreement was made that in future all such disputes should be composed by 'arbitration of the four Masters who should then be the chief'[1]. This seems to point to four Nations, even if the four Masters were rather 'Captains' or 'arbitrators' of the type appointed to preserve the peace in 1267 than a reproduction of the Parisian Proctorate. For four Nations, however, the composition of the magisterial body at Oxford hardly supplied the materials. If a few French Masters came over from Paris in consequence of some faction-fight or 'cessation' at Paris, the great majority were no doubt of British or even English birth[2]. Though Irish scholars were numerous and troublesome, Irish Masters were few, and the same was probably the case with the Welsh[3]. Among Englishmen there was only one marked racial or geographical distinction—the distinction between the English north of the Trent and the English south of the Trent. Hence, instead of the four Nations of Paris, we find at Oxford only two—the *Boreales* and the *Australes*. Scotchmen—probably at this time only Lowlanders would be likely to find their way to Oxford—were included among the Northerners, Welshmen and Irishmen among the Southerners. The Northern and Southern Masters of Arts were presided over by their respective Proctors[4]. The two Proctors are first heard of in

Two Proctors

[1] 'Arbitrio quatuor magistrorum qui tunc essent precipui,' *Ann. de Dunstaplia* (ed. Luard), in *Ann. Monast.* III. p. 110. So too *four* Taxors are appointed in 1209 (*Mun. Acad.* p. 2); and it is significant that when there were undoubtedly only two Nations, the Taxors were also two only. It is conceivable that these four Masters may have been the Taxors themselves; but whether called Proctors, or Taxors, or Captains, there would probably be little difference between these officers and the primitive Proctors appointed 'ad iniurias ulciscendas' at Paris (see above, vol. I. p. 316), except that, if we suppose the Captains to be meant, the students joined in their election. But cf. above, p. 346.

[2] Many foreign Friars were sent to study in Oxford (Little, p. 66, *et passim*). In 1369, however, Edward III ordered the expulsion of all foreign scholars (Wood, I. p. 485).

[3] *Mun. Acad.* p. 23.

[4] Chosen by a process of indirect election, like the Rectors of Bologna and Paris. *Mun. Acad.* p. 81.

1248, when they appeared before Henry III at Woodstock to prefer the complaints of the University against the misdoings of the Jews and the Burghers. In the Charter which they succeeded in obtaining for the University they are granted, in conjunction with the Chancellor, the right of being present at the assize of bread and beer[1].

first mentioned in 1248.

Abolition of Nations.

Whether the Nations at Oxford were originally four or two, it is pretty certain that they were originally more distinct than they afterwards became, and it is probable that in the earliest Congregations the votes were taken by Nations. For in 1274 the articles of peace drawn up after one of the great faction-fights between North and South[2] solemnly provide that in future the two bodies of Northerners and Southerners should be amalgamated into a single Nation: and from this time, though one Proctor was always an *Australis* and one a *Borealis*, the term 'Nation' ceases to be used, and the Faculty of Arts votes as a single body[3]. The early extinction of Nations in the English Universities is a symbol of that complete national unity which England was the first of European kingdoms to attain.

Rectors or Proctors.

It will be remembered that in the chapter on Paris the origin of the Nations and their Proctors was traced back to the four Universities of Bologna and their Rectors. It is interesting to observe that, though at Paris the four Rectors (if indeed that title was ever applied to the four Heads of Nations) rapidly disappeared and were

[1] 'Presentibus apud Woodstocke tam procuratoribus scolarium universitatis quam Burgensibus Oxon.' Rot. Claus. 33 Hen. III, m. 15 *dorso*: Archives, W.P.—E. n. 2 (*Mun. Acad.* p. 777 *sq.*).

[2] See the 'Solennis Concordia inter Australes, Marchiones, Hybernienses et Walenses ex una parte et Boreales et Scotos ex altera' (quoted above, p. 363).

[3] 'Proviso insuper quod de cetero partes non fiant seu nominentur in universitate, set unum sit collegium et unum corpus; aliis nihilominus obligationibus penalibus per universitatem prius ordinatis in suo robore duraturis.' The last clause seems to imply that the previous Statutes had been carried by the consent of distinct Nations. Cf. *Mun. Acad.* p. 92 (Statute of 1313): 'Cum separatio nationum Australium et Borealium, *cum nationes diversæ non sint*, tam clericis quam laicis sit summo opere detestanda,' &c.

CHAP. XII, § 2.

superseded by one Rector and four Proctors, at Oxford the Proctors on one of their earliest appearances in history are styled 'Rectors' instead of Proctors[1]. At Oxford the title Rector is rarely used afterwards. At Cambridge both titles continued in use throughout the medieval period. This alternative use of titles which at Paris denoted separate offices may be accounted for in one of two ways. It is certain that the Heads of the Nations appeared at Paris earlier than the common Rector of the Artists; it is possible that they were once called indifferently Rectors or Proctors, and there are slight independent reasons for believing that such was the case[2]. In that case the national Rectorships or Proctorships may have been reproduced at Oxford before the institution of the single Rectorship at Paris[3]. On the other hand it is a significant fact that these Oxford Rectors or Proctors are first heard of at a time when we know that there was a schism in the Faculty of Arts at Paris, three of the Nations having elected one Rector in opposition to the Rector of the French Nation alone. It is quite conceivable that our Oxford Proctorships may represent the perpetuation of this anomalous, but then by no means unusual, state of schism in the Mother University[4].

No single Rector.

The constitution of Oxford may be said to represent an arrested development of the Parisian constitution modified by the totally different relation of the Chancellor to the Masters. It is the Parisian constitution transplanted to Oxford after the establishment of the Nations and

[1] Adam de Marisco says that the Statute requiring Theologians to be M.A. (see above, p. 362 and below, p. 378) was subscribed by the Regents of the superior Faculties (note how the practice of the superior Doctors subscribing individually is copied from Paris, see above, vol. I. p. 329) and by 'duo rectores pro artistis.' *Mon. Francisc.* I. p. 347. The Proctors are styled 'Rectores' as late as 1377 in the contemporary *Chronicon Angliæ* (ed. Thompson, London, 1874), p. 173.

[2] See above, vol. I. p. 314.

[3] i.e. before 1237 or 1244.

[4] See Bulæus, III, p. 222; *Chartul. Univ. Paris*, I. pt. i. No. 187. As late as 1266, certain arbitrators appointed to adjust a schism of this character at Paris provide that one or more Nations shall be authorized for just cause to separate from the rest and elect a separate Rector. *Chartul. Univ. Paris*, I. No. 409.

national officers, but before the final establishment of the single common Rectorship and before the organization of the superior Faculties into distinct Colleges or corporations with officers, statutes, and seals of their own. At Oxford the need of a distinct Head of the University was never felt, because the Chancellor, here on friendly terms with the University, served the turn. The need of a common Head of the Faculty of Arts was unfelt, because there were only two Nations, and those less sharply divided either by nationality or organization [1] than the Nations of Paris. There were (at least after the peace of 1274) no separate meetings of the Australes and Boreales: in the separate Congregations of the Artists the Senior Proctor presided [2].

Prerogative of Faculty of Arts.

We have seen how at Paris the University proper was for a time almost supplanted by the Nations. The Faculty of Arts habitually took the initiative in University business, the Doctors of the superior Faculties being merely called in to confirm the resolutions already arrived at by the great National Assemblies. At Oxford the predominance of the Faculty of Arts was still more conspicuous than at Paris [3]. At Paris the general predominance of that Faculty and in particular its exclusive initiative in University business was, as we have seen, eventually broken down by the growth of the Faculties into organized bodies governed by officials, statutes, and

[1] The reader will remember that it was the necessity of joint resistance to the Chancellor that led to the formation of the four National seals which necessitated the separate Congregations. See above, vol. I. p. 305 *sq.*

[2] *Mun. Acad.* p. 481.

[3] Father Denifle (I. p. 78) remarks that the assertion 'universitatem (i.e. Parisiensem) fundatam esse in artibus' was never made in the medieval period. But see a doc. of 1387 in *Chartul.* T. III. No. 1537: while at Oxford we find the Faculty of Arts in 1339 boasting that it is 'fons et origo cæteris' (*Mun. Acad.* p. 142). It is quite possible that this statement is historically true, i.e. that the migration of 1167–8 consisted entirely of Masters of Arts. At the end of the twelfth century there was, indeed, clearly a great deal of law-teaching at Oxford (for the evidence, see above, p. 338, n. 2, and below, p. 375, n. 1). But, as has been suggested (above, p. 353, n. 1), S. Edmund may probably have been the first Theologian to incept at Oxford.

CHAP. XII, § 2.

Congregations of their own. At Oxford the superior Faculties never acquired a separate existence of this kind; no Deans of Faculties appear upon the scene. The initiative of the Faculty of Arts remained a permanent principle of the University constitution, and even passed into a claim to an actual veto upon the proceedings of the University. Every Statute had to be promulgated in the Congregations of Regent Masters of Arts summoned and presided over by the Proctors at S. Mildred's[1] before it could be submitted to the whole University at S. Mary's. The claim of the Faculty—at least when unanimous[2]—to prevent the further progress of a Statute negatived in this 'previous Congregation' is frequently asserted in the Proctors' books, but never in the register kept by the Chancellor[3]. The superior Faculties admitted the right of the Faculty of Arts to a separate and previous deliberation, but not the right to bar the further progress of a Statute. An attempt, however, to give the force of Statute to the contrary opinion in 1357 failed[4], and this important question of constitutional principle remained undecided till the fifteenth century, when the Faculty of Arts seem to have claimed an absolute negative only in the granting of graces[5], i.e. dispensations from some of the conditions necessary for taking a degree.

Origin of Proctorial Veto.

It may be added that the mere necessity of a promulgation in the 'previous Congregation' of Artists gave a practical veto to the Proctors (by whom alone that

[1] A Church which formerly stood to the north of the site of Lincoln (Wood, *City* (ed. Clark), II. p. 94). It was also used for the Vespers of Artists. *Mun. Acad.* p. 408.

[2] 'Nihil expeditum penitus habeatur facultate artium *integre* reclamante.' *Mun. Acad.* p. 429 (where B. and C. read 'penitus'). Cf. the '*penitus* non reclamante' of p. 483.

[3] *Mun. Acad.* pp. 117, 331, 429, 481-3. Of this last Statute there is a late copy in the Chancellor's book.

[4] *Mun. Acad.* pp. 188-9. This declaration was passed by a majority consisting of three Faculties, i.e. the Non-regents, Civilians, and Theologians; but as the Faculty of Arts opposed, they would of course not recognize the authority of the Statute, though the Chancellor pronounced it carried. See below, p. 375.

[5] In 1440, *Mun. Acad.* p. 331. This purports to be a Statute of the Regents and Non-regents, but is found only in the Proctors' books.

Faculty could be summoned), at least when agreed. In 1344 a Statute was passed enabling one Proctor, with the consent of the Chancellor, to promulgate a Statute[1]; but the two Proctors united could still oppose a barrier to any proposed legislation. The Proctorial veto, which was embodied in the Laudian Statutes and still survives, may no doubt be traced back to this ancient supremacy of the Faculty of Arts[2].

The Proctors are the Executive of the whole University.

A further consequence of this predominance was that the Proctors, being the only representative officers of the magisterial body, acted as the executive of the whole University, just as it was left to the Parisian Rector, originally the Head of the Artists only, to execute the decrees of the whole University at a time before his actual 'Headship' was admitted by the superior Faculties. At Oxford the rise of the Proctors to the Headship of the University was barred by the established position of the Chancellor; but from the first the Proctors are officers of the University as well as of the Faculty of Arts. To this day the Proctors are the Assessors of the Vice-Chancellor in most of his public acts.

The Non-regents.

A peculiarity of the Oxford constitution was the important position occupied by the Non-regents. At a very early date we find the presence of the Non-regents essential to all permanent Statutes and other important acts of the University. When they attended, they gave a collective vote like a distinct Faculty. Elections and all merely administrative business remained, as at Paris, in the hands of the Regents.

Three Congregations.

There were thus at Oxford three distinct Congregations:—

(1) Black or Previous.

(1) The Congregation of the Regents in Arts commonly

[1] *Mun. Acad.* p. 146.

[2] The only other trace of a direct Proctorial veto which I have come across in the Middle Ages is in 1461, when a great disturbance took place because the Commissary adjourned a Congregation of Regents 'utroque procuratore reclamante' (Aa. f. 121 *a*). It thus appears that the consent at least of one Proctor was necessary to the adjournment of a Lesser Congregation.

CHAP. XII, § 2. called the Black Congregation. Besides the celebration of Inceptions in Arts and the election of Proctors, this Congregation met at S. Mildred's Church for the preliminary discussion of proposed Statutes. When assembled for this purpose, it was often called the 'Previous Congregation [1].'

(2) Lesser or Regent. (2) The Congregation of Regents (of all Faculties) or 'Lesser Congregation' (*Congregatio minor*) met at S. Mary's. To this Congregation belonged, in all ordinary cases, the grant of leases, the ordinary finance of the University, and the control of all matters relating to lectures, studies, and degrees, especially the grant of dispensatory graces where not specially reserved by Statute to the Great Congregation. This power grew in course of time (as we shall see) into the power of conferring the degree itself. From the completion of the Congregation-house in about 1327, the Regent Congregation met in that building. It is a detached Chapel standing on the North side of the Choir of S. Mary's Church [2].

(3) Full or Great. (3) The Congregation of Regents and Non-Regents, commonly called the Full or Great Congregation (*Congregatio plena* or *magna*), was the supreme governing body of the University and was alone competent to make a permanent Statute [3]. It met in the Choir of S. Mary's. In the

[1] At the Previous Congregation Non-Regents in Arts at times appear (*Mun. Acad.* p. 188), but not always (*ib.* p. 481). It was probably at the discretion of the Proctors to summon them or not.

[2] This building was begun in 1320 by Adam de Brome, Rector of S. Mary's and Founder of Oriel College, at the expense of Thomas de Cobham, Bishop of Worcester, a room above it being appropriated to the Library left to the University by that prelate. It was left not quite completed on the death of the Bishop in 1327. See the document in *Collectanea*, II. p. 62 *sq.*, which recounts the violent dispute between Oriel College (as Rectors of the Church) and the University for the possession of the Library, which lasted till 1409, when the Oriel Archbishop Arundel compensated the College for its claim. (Rot. Pat. 11 Hen. IV, p. 2. m. 22.) The Chaplain of the University served as Librarian (*Mun. Acad.* p. 227). It may be noted that this Congregation-house is the only part of S. Mary's Church (it is really, however, a separate building) over which the University has the smallest right of property or control. The Church is merely *lent* for University sermons.

[3] The term 'Convocatio' is rarely used in the Middle Ages: where it occurs, it is a synonym of 'Congregatio.' In the sixteenth century 'Convocatio' was gradually appro-

Great Congregation the voting was by Faculties: and there is no reason to doubt that here as at Paris the principle which obtained throughout the thirteenth century was that a Statute required the consent of all four Faculties[1] with the addition, in the case of Oxford, of the Non-regents[2].

priated to the Great Congregation, 'Congregatio' to the Lesser Congregation. The Black Congregation was by this time practically obsolete.

[1] Civil and Canon Law are sometimes spoken of as two Faculties, and generally appoint two representatives upon University delegacies (Divinity and Medicine appointing one each and Arts four), but on a division they appear at times to vote as one (see below, p. 382, but cf. p. 387). I may add that Denifle (I. p. 250) is disposed to underrate the importance of the Oxford School of Civil Law. The complaints of Roger Bacon (*Op. Majus*, p. 446) against the Civilians cannot refer exclusively to those who studied abroad. So in 124½ Henry III obtained the opinion of the 'Magistros Oxonie in Jure legentes' in favour of his appeal against Ralegh, Bishop of Norwich, elected to the See of Winchester. (Rot. Pat. 28 Henry III, m. 10 *dorso*; Twyne MSS. II. f. 38 *a*; cf. too *Mon. Francisc.* I. p. 113 where is also an allusion to an Oxford 'Medicus).' William of Drogheda, who taught at Oxford in the thirteenth century, was a Civilian of considerable importance, quoted even by the Bologna Doctors. (See Bethmann-Hollweg, *Der Civilprocess des gemeinen Rechts*, VI., Bonn, 1874, pp. 123, 124: Albericus Gentilis, *Laudes Academiæ Perusinæ et Oxoniensis*, Hanoviæ, 1605, p. 38). He wrote his *Summa Aurea* at Oxford. (Caius Coll. Camb. MS. No. 54. See also below, p. 474, n. 4). It is true of course that in England Civil Law was studied chiefly for use in the Ecclesiastical Courts (and the Admiralty Court), but Bacon complains that the ecclesiastical lawyers cared more for the Civil Law than for the Canon. The number of Medical Doctors at Oxford was always small: the only one of much fame was John Gaddesden of Merton, author of the *Rosa Anglica* or *Practica medicinæ a capite ad pedes*, who wrote 1305-1317. See Haeser, *Lehrbuch*, I. p. 712.

[2] Their position seems established by 1280: 'Magistri non-regentes in partem se trahentes per se, ac omnes Magistri regentes per se' (*Mun. Acad.* p. 41; cf. p. 43). The enactments of the Regents only are never called *Statuta*, but *Ordinationes*. In a form of Statute imposed upon the University by a Royal Commission in 1376, we find 'quibuscunque ordinationibus magistrorum regentium, vel statutis magistrorum regentium et non-regentium.' Rot. Pat. 50 Ed. III. pt. i. m. 10 (Hare, *Mem.* f. 72). The Regents must not be confounded (as is done by a learned writer) with 'the Masters of less than two years' standing,' who are the 'necessario regentes.' Though a new M.A. was obliged to lecture for one year (the period of necessary Regency has since been extended to two years), he could continue to teach, and therefore to enjoy the rights of Regency as long as he pleased. It is only since the Regents ceased to lecture that M.A.'s of two years' standing (with the Deans of Colleges, the Doctors, and a few officials) became the only Regents.

CHAP. XII, § 2.

Constitutional changes in fourteenth century.

The beginning of the fourteenth century introduces us to a great constitutional crisis in the history of the University. Here as at Paris the constitutional development of the University is intimately bound up with a struggle against the intrusion of the Mendicant Friars. About the year 1303 a Statute was passed which distinctly affirmed the principle that a majority of the Faculties (the Non-regents being reckoned as one) could bind the whole University. To understand the circumstances which provoked this constitutional revolution, a glance at the history of the Oxford Mendicants is indispensable.

Establishment of the Mendicant Orders in Oxford.

Impelled by a vague desire to establish a hold upon the thought of the age as well as by the more definite purpose of gaining converts for their Orders[1], the Friars everywhere seized upon the University towns as the basis of their operations. We have seen the storm which followed upon their advent at Paris. At Oxford the Dominicans made their appearance in 1221, soon after their first landing in England[2]. They established themselves in the heart of the Jewry, where the Church of S. Edward was made over to them by the Countess of Oxford and the Bishop of Carlisle. Though the conversion of the Jews was a prominent part of their work, they early connected themselves with the University by opening a School in which Theology was taught by a 'converted' Doctor of Divinity, Robert Bacon. The Franciscans followed in 1224[3], and settled near S. Ebbe's Church, from which, however, they soon removed to a marshy strip of ground outside the town wall, where the Order was joined by many students of noble birth[4]. In 1245 the Dominicans likewise moved to a suburb, and established

[1] Jordan of Saxony, the third Dominican General, as he wanders from one University to another, recounts the number of his 'captures.' Thus at Oxford in 1229 he writes, 'Apud studium Oxoniense spem bonæ capturæ Dominus nobis dedit.' *Lettres*, ed. Bayonne, p. 126.

[2] Trivet, *Annales*, ed. Hog, p. 209. For details as to the establishment of this and other Orders in Oxford, see Wood, *City*, II. p. 312 *sq.*, and Little, *Grey Friars in Oxford*.

[3] *Mon. Francisc.* I. p. 9. Cf. *ib.* p. 633.

[4] *Mon. Francisc.* I. p. 15; Little, *Grey Friars*, pp. 1 *sq.*, 295 *sq.*

themselves on a spot still known as Black Friars Road, upon what was then an island formed by the Trillmill stream and the Thames, between Folly Bridge and Oseney[1]. In 1256 the Carmelites acquired a house on the west of Stockwell (now Worcester) Street in the northern suburb, where they remained till 1317, when Edward II, in fulfilment of a vow made at Bannockburn, granted them his Palace in Beaumont Fields, the site of which is still commemorated by the name of the neighbouring 'Friar's Entry[2].' In 1268 the fourth great Mendicant Order, the Augustinians, are found obtaining from the King a piece of ground for a convent in Holywell—on the site now occupied by Wadham[3]. The Friars of the Sack established themselves near the Castle in 1262[4]: the Trinitarians obtained a house outside the East Gate in 1291[5]: and the Crutched Friars are heard of in the following century[6]. But the houses of these last Orders played no considerable part in the history of the University.

Harmony between Friars and University.

Both at Paris and at Oxford, in the first flush of their reputation for sanctity and asceticism, the Friars were well received by the University, though often annoyed by the opposition of the higher ecclesiastics. At Paris the new comers very quickly outlived their welcome. At Oxford the harmony between Regular and Secular was of much longer duration. Even the Dominicans forgot to quarrel: while the more humble-minded Franciscans employed secular Doctors of Divinity to lecture for them in their conventual School. The illustrious Grossetête was the first of the Franciscan Lectors and showed himself throughout

[1] *Ann. Monast.* (Oseney), IV. pp. 94–98.

[2] Dugdale, *Monasticon*, VI. p. 1575: documents in Wood, *City*, II. p. 415 *sq.*; Linc. Reg., Dalderby, f. 388 (Twyne, II. p. 4 *b*); *Chronicles of Edward I and II*, ed. Stubbs, vol. II. (1883), p. 300; cf. Ogle, Nos. xiv, xv, xxi.

[3] Documents in Dugdale, VI. p. 1596, and Wood, *City*, II. p. 447 *sq.*

[4] Dugdale, VI. p. 1608; Wood, *City*, II. p. 473. The Order was suppressed in England in 1307.

[5] Wood, *City*, II. p. 478. In the Lincoln Register, Dalderby, f. 308 (Twyne, II. f. 30), is the approval of a chantry for them in 1315, with the Royal Licence of 1304.

[6] Dugdale, VI. p. 1586; Wood, *City*, II. p. 478.

CHAP. XII, § 2.

his life a warm friend and patron of the Order[1]. Oxford was indeed just touched by the storm which rent the University of Paris in sunder for so many years. In 125½, a few weeks after the passing of the first Statute against the Friars at Paris[2], we find a Statute passed at Oxford[3] with the same general intention of setting a limit to the multiplication of Friar Doctors and of securing the control of the University over regular graduates. Like the Parisian Statute it requires an Inceptor in Theology to have previously lectured as a Bachelor[4]. The further objects of the Parisian Statute are secured in another way. Instead of setting a fixed limit to the number of Friar Doctors it merely forbids the graduation in Theology of men who have not previously been Masters of Arts[5]. This would at the same time secure that the candidates should already have taken the promise or oath of obedience to the Statutes[6], which, it will be remembered, was the great bone of contention at Paris. In one respect, indeed, the objects of the two Statutes were different. The Paris Statute was enacted by the Theological Faculty and was designed to protect the secular Theologians from the competition of their

Statute of 125½ requiring Graduation in Arts.

[1] *Mon. Francisc.* I. p. 37. Subsequent Lectores till about the end of the century were either (1) Doctors who had incepted as Seculars or at Paris, or (2) Franciscan *Bachelors*. *Mon. Francisc.* I. pp. 38, 39, 550. This accounts for the dispute with the University being postponed so long.

[2] Bulæus, III. p. 245; *Chartul. Univ. Paris*, I. pt. i. No. 200. See above, I. p. 373. The Paris Statute was passed in Feb. 125½, the Oxford Statute was carried on the 9th of the following March (*Mon. Francisc.* I. p. 346), and was probably suggested by the news from Paris.

[3] *Mun. Acad.* p. 25.

[4] 'Nisi legerit aliquem librum de canone Bibliæ vel librum Sententiarum vel Historiarum.' By the 'Historiæ' is meant the 'Historia Scholastica' of Petrus Comestor.

[5] 'Nisi prius rexerit in artibus in aliqua Universitate.' The Statute is similarly quoted in the Friars' pleadings in 1313 (*Collectanea*, II. p. 225), but in their Act of Appeal it runs 'nisi prius in arte dialectica gradum seu statum Magistri *uel saltem bacullarii* habuisset.' *Ib.* p. 239.

[6] Even if the oath was not yet required upon Inception in Theology, as it undoubtedly was later (*Mun. Acad.* p. 374). We have no doubt a relic of this conflict with the Friars in the provision that an Inceptor in any other Faculty is merely required *dare fidem*, while a Master of Theology is required *jurare* 'ponendo manum ad pectus' (*l. c.* Cf. p. 421).

Mendicant rivals. At Oxford there is less trace of dislike for the Mendicants as such[1]. The Oxford Statute was passed by the University itself, and was inspired by the jealousy of the Faculty of Arts for its own authority and for the studies of which it was the guardian. The Statute would not touch men who had entered a religious Order after completing their Regency in Arts. But the Friars, though they professed to give their novices a philosophical training in their own Schools[2], considered it inconsistent with their principles to allow graduation in secular branches of learning. To the mind of the secular academic the study of Philosophy was an essential preliminary to that of Theology: even when he applied himself to the study of Theology, he was disposed to attach more importance to the Sentences than to the Bible, and to apply to the doctrine of the Holy Trinity or to the psychology of Angelical beings the philosophical distinctions in which he had revelled as an Artist[3]. The secular Masters of Arts were not disposed either to allow Theology to be approached without adequate instruction in Philosophy or to permit that instruction to be given by any but authorized Masters of their own Faculty. At the same time a dispensing power was reserved to the Chancellor and Regents. According to the admissions of the Friars themselves, such dispensations were at first liberally granted[4]: and the friendly relations between the University and the Orders seem to have been little disturbed by the new Statute[5].

[1] But see *Mon. Francisc.* I. p. 346 *sq.* and cf. *Collectanea*, II. pp. 200, 245.

[2] The Statute is opposed 'cum fratres multum in etate iuuenili intrent ordinem . . . nec eis in dicto ordine in artibus liceat magistrari licet sufficienter in philosophyia in ordine sint instructi.' *Collectanea*, II. p. 217. At an earlier date secular education had been forbidden altogether. Cf. *Chartul. Univ. Paris.* I. pt. i. Nos. 57, 335, 342.

[3] Even among the Mendicants, Roger Bacon complains that the Biblical Lecturer 'mendicat horam legendi secundum quod placet lectori Sententiarum.' *Opp. Inedita*, ed. Brewer, p. 329.

[4] *Collectanea*, II. p. 256.

[5] For the whole of this conflict the chief and almost only authority is a Roll containing a record of the proceedings in the Roman Court upon the appeal of the Friars, which I have edited in *Collectanea*, II. p. 195 *sq.* For further details I may refer to the Introduction prefixed

CHAP. XII, § 2.

Movement against Friars, 1303.

Vespers and Sermons transferred to S. Mary's.

The Sentences before the Bible.

The inevitable conflict broke out at the beginning of the following century. With the year 1303 begins a series of Statutes obviously directed against the obnoxious Mendicants, especially the ever-combatant Order of S. Dominic. In that year the University transferred the 'Examinatory Sermons' required of Bachelors of Theology as a condition of Inception from the Dominican and Minorite Convents down by the quiet river-side, where they had commonly been preached, to the more central but (as the Friars contended) more noisy and incommodious S. Mary's. In 1310 the Theological Vespers—the disputation on the Eve of Inception—which had hitherto been given in any Master's School, were likewise required to be held in the University Church. The measure was really aimed at the Friars, since the usual practice had been to borrow or hire one of the large and well-built Schools of the Friars Minors or Friars Preachers. A little later (1310 or 1311) Friars were required to take the degree of Bachelor of Theology in the University, and not merely (as heretofore) to obtain the authorization of their own superiors, before they could lecture upon the Bible. As the degree of Bachelor of Theology was taken by lecturing on the Sentences[1], which required a philosophical education, this pressed heavily on the Friars, then the only students of Theology who cared much about the exegetical study[2] of the Bible as a practical preparation for the duties of the Preacher and the Pastor. The University Statute, as they not unreasonably contended, was 'irrational' and changed the proper 'order of doctrine,' since there were many simple Friars quite fitted for lecturing on the Bible, who

thereto. Rot. Claus. 6 Ed. II. m. 8 *dorso* may be added to the documents there published: in it the King intervenes on the side of the Friars.

[1] Usually, but in *Collectanea*, II. p. 233, the University contradicts the Friars' statement that the B.D. could only be taken in this way. Perhaps the allusion is to the old and obsolete permission to read the *Magister Historiarum*. See *Mun. Acad.* p. 25.

[2] 'Legere Bibliam biblice,' sometimes explained as 'sive textualiter,' as opposed to the Scholastic discussion of 'questiones' arising out of the text.

were not equal to grappling with the intricacies of Scholastic Theology: though to the University it appeared that such teaching only led to the diffusion of 'errors.' Besides these formal, corporate attacks upon the position which the Friars had hitherto occupied in the University, they now began to be annoyed by the stricter enforcement or abuse of their prerogative on the part of individual Masters. Graces dispensing from the obligation to graduate in Arts, which had hitherto been granted almost as a matter of course, began to be refused: and a single Master of Arts, according to the interpretation which the University put upon the Statute, could obstruct the grace. Again, the Statutes required that candidates for theological degrees should have disputed in the School of every Master of the Faculty: and now secular Masters began to refuse admission to Friar candidates. Finally, not only did the University decline to admit Friars to its degrees without an oath to obey the Statutes of the University[1] (here the old Parisian grievance comes to the front), but existing Masters were required to swear obedience to the new Statutes: and upon his refusal the Dominican Doctor, Hugh of Sutton, was expelled from the University. To complete their list of grievances, the University got the contumacious Friars excommunicated by the Archbishop of Canterbury, which exposed them to a host of petty vexations. They were preached against in the pulpits of the Seculars: their own sermons, their Schools, and their confessionals began to be avoided by scholars and townsfolk alike. People were afraid to speak to them or give them money or food, lawyers to act as their counsel: even their own students (as the Friars alleged) had been driven by this storm of obloquy and persecution to run away from their convents: those who remained had their 'necessary living, good fame, and affection of their friends' taken away from them[2].

Graces refused by the University.

Expulsion of a Dominican Friar.

It was to carry through this programme of anti-mendicant legislation—these 'exquisite and secret machinations,'

Majority of Faculties defined

[1] *Collectanea*, II. p. 218; *Mun. Acad.* p. 374.

[2] *Collectanea*, II. pp. 217–237, 256–261.

CHAP. XII, § 2.

by Statute, 1302–3.

as the Friars pathetically phrased it—that an innovation was attempted in the University constitution exactly parallel to that which we have traced at Paris. At Paris, however, we were unable to fix the exact period at which the principle of Statute-making by a mere majority of Faculties was introduced, if indeed the revolution was not too silent and gradual to be assigned to any precise moment. At Oxford we are able to give a definite date. About the year 1302 or 1303 the University enacted that the Regents in two Faculties with a majority of the Non-regents should have the power to make a permanent Statute binding on the whole University: and the Statutes about the place of Vespers and the priority of the Sentences to the Bible were in fact carried only by the required majority, the two Faculties being the Faculty of Arts and the always closely allied Faculty of Medicine, which was for the nonce embodied in the person of a single Doctor[1].

Appeal to Roman Court.

The result of the embroglio with the Mendicants was an appeal to the Roman Court[2], and in this appeal the constitutional Statute, upon the validity of which the legality of the whole proceedings turned, formed one of the subjects of

[1] *Collectanea*, II. pp. 218, 226. The Faculty of Theology would of course include many Regulars; still the two dissentient Faculties do not appear to have opposed the constitutional innovation or sided with the Mendicants in the ensuing struggle. The secular Theologians as individuals certainly joined in the campaign against the Friars.

[2] In Feb. 131½ (*Collectanea*, II. p. 237 *sq.*), the pleadings of the Friars give an amusing account of their proctor's efforts to serve the notice of Appeal upon the Chancellor and Proctors. The Chancellor's servant prevented Brother Lawrence of Warwick from entering his Master's School. He then repaired to S. Mary's where a Congregation was being held, but was forcibly ejected ('exiit conturbatus protestans se dictas prouocationes et Appellationem velle prosequi cum effectu et earum copiam offerens postquam hostium Ecclesie recluserunt'). Thereupon the undaunted Friar mounted a tombstone and shouted into the windows that he would leave a copy of the appeal on the Church-door; after which he retired amid the maledictions of the Scholars' servants, who shouted 'peccatum esset uobis fratribus subuenire et pium hostia uestra obstruere et uos tanquam superbissimos ibi comburere qui cum sitis miseri et mendici audetis contra tantam congregacionem tam reuerendarum et excellentium personarum appellationem aliquam commouere' (*ib.* p. 245).

complaint. The case was partly heard by a Cardinal at Rome in 1313[1], but only with the result that, upon the petition of the University, the case was referred to arbitrators—two Seculars and two Friars—in England[2]. Their award in the main decided the case for the University. As a slight concession to the Friars on the merits of the question, it was provided, however, that every Bachelor of Divinity, after completing his course upon the Sentences, should preach one sermon in the Dominican Church before proceeding to the degree of Doctor. On the more important constitutional questions at issue, it was ordered:—

Award of Arbitrators, 1313.

(1) That when a grace was asked for a Friar, every Master should be required to swear that he would not refuse the grace 'out of malice or hatred or rancour,' but only 'for the common utility and honour of the University.' If after this precaution a Regent should refuse the grace, he was to be required forthwith to state his reasons to the Chancellor, Proctors, and Regent Masters of Theology, by whom an investigation was to be held into their sufficiency. If in the opinion of a majority of the Theological Regents the objection was not sustained, the grace was to be deemed *ipso facto* granted.

(2) The principle of majority-voting was upheld; but it was ordered that the majority should consist of three Faculties instead of two, of which the Faculty of Arts must be one, besides the Non-regents. Moreover, the Friars had complained that Statutes were passed without sufficient notice to the superior Faculties. It was therefore enjoined that no Statute should be passed without previous promulgation in a General Congregation of Regents[3], at which copies should be handed to a Master of each Faculty fifteen days before the time of voting.

The award was confirmed by Royal Letters Patent on

[1] *Collectanea*, II. p. 224.

[2] *Regesta Clem. V* (Romæ, 1888), No. 9253: *Collectanea*, II. p. 263.

[3] Such are the words of the Royal brief (*Collectanea*, II. p. 271), but in that case the Non-regents would get no notice. A certificate of the publication of a citation in connexion with this suit is preserved among the MSS. of the Dean and Chapter of Lincoln.

CHAP. XII, § 2. April 7, 1314[1]. But the litigious Preachers found means of prolonging the suit for six years longer and in getting a succession of Bulls in their favour from John XXII[2].

Submission of Friars in 1320.

At last in 1320, however, they were compelled to renounce these Papal favours, and to make an unconditional submission to the University[3]. The Royal writ of 1314 must henceforth be considered as settling the general principles of the University constitution. In the fifteenth-century Registers there is, indeed, no trace of the observance of the provisions about the sermon in the Dominican Church, or of the provisions about Friars' graces, but there is abundant evidence of the practice of 'voting by Faculties' throughout the period with which we are concerned.

Later conflicts.

The controversy between the University and the Mendicants continued to smoulder until it was lost, so to speak, in the wider issues raised by the outbreak of the Wycliffite heresy[4]. The quarrel in Oxford was in truth but a symptom of the great feud between the Friars and the Seculars which divided the whole Church of England—indeed the whole Church of Europe—throughout the fourteenth century. In England as in France the Universities were but the organs of the secular clergy at large. The expenses of the University litigation against the Friars were defrayed by a tax upon the ecclesiastical property of the realm imposed by the two Convocations[5]. After the settlement of the academic questions just noticed, the controversy turned chiefly upon the question of the age at which the Friars might admit novices. In 1357 Richard Fitz-Ralph,

[1] *Collectanea*, II. pp. 264-272.

[2] Mr. Bliss has kindly communicated to me transcripts of these Bulls, which are now in the Public Record Office. (Cf. Little, *Grey Friars*, p. 40.) On some points the Friar-ridden Edward II was induced to write in their favour to the Pope, in the teeth of his own injunctions. Rymer's *Fœdera* (1706), III. p. 588.

[3] *Collectanea*, II. p. 272.

[4] It is interesting to see that William of S. Amour was still read at Oxford. This appears from a MS. poem in the Bodleian (James MS. 7. p. 86). He is often referred to by Wycliffe.

[5] Wilkins, *Concilia*, vol. II. p. 551: Eighth Report of Hist. MSS. Commission, p. 354; Linc. Reg., Burghersh, f. 351 (Twyne, II. 5 *b*); *Letters from Northern Registers*, ed. Raine, London, 1873, pp. 346-349.

Archbishop of Armagh—the great champion of the Seculars at Oxford, commonly known to the Middle Age as Armachanus—proceeded to the Court of Avignon to expose the system of kidnapping or inveigling young scholars, for which the popularity of the Friars as confessors afforded great facilities. The allurements held out by the Friars to boys so young as not to be uninfluenced by a present of apples[1] had inspired the parental mind with such alarm that the numbers of the Universities were, it was alleged, falling off with astounding rapidity[2]. Fitz-Ralph died at Avignon and the University did not send another legation. They, however, took the matter into their own hands by passing Statutes against the admission into the Mendicant Colleges of boys under eighteen years of age[3]. On this point, however, the Friars triumphed over the University at the Parliament of 1366; though they were forbidden to use any Papal Bulls which they might have obtained to the prejudice of the Universities[4].

Armachanus at Avignon.

Occasional bickerings between the secular Masters and the Friars continued, however, to be among the normal incidents of University life. An amusing illustration of the sort of feud that was ever going on in Oxford occurs in 1358 (just after the mission of Armachanus), when a Friar Preacher, having in a sermon attacked the 'Sophists' as persons who want to seem wise but who never attain to true wisdom, was supposed to be aiming at the Faculty of Arts (whose students were technically known by that desig-

A Friar's Apology.

[1] 'Uncinis pomorum, ut populus fabulatur, puerulos ad religionem attrahitis, quos professos doctrinis non instruitis vi et metu, sicut exigit ætas illa, sed mendicativis discursibus sustinetis intendere atque tempus quo possent addiscere, in captandis favoribus amicorum consumere sinitis, in offensam parentum, puerorum periculum et ordinis detrimentum': Richard de Bury, *Philobiblon* (ed. Thomas), p. 51. So *Mun. Acad.* p. 207: 'Pomis et potu, ut populus fabulatur, puerulos ad religionem attrahunt.'

[2] The discourse which he then delivered, *Defensorium Curatorum*, is printed in Brown's *Appendix ad Fasciculum rerum expetendarum*, pp. 466–486. Wycliffe declares that Armachanus was assisted by the English Bishops. *Fasciculi Zizaniorum* (ed. Shirley, 1854), p. 284. Cf. Poole in *Dict. Nat. Biog.*, and below, p. 581.

[3] In 1358, *Mun. Acad.* pp. 204–5.

[4] Rot. Parl. II. p. 290.

CHAP. XII. § 2.

nation), and was compelled to make a public retractation and apology[1].

Constitution fixed, *c.* 1314.

It is, however, no part of my plan to enter into a detailed history of the later relations between the University and the Friars. The University constitution as it emerges from the great dispute of 1312–1320 continued in its main lines unaltered. We have no evidence to show how far the amendment imposed by the Royal letter of 1314 was observed. But, whether the majority had to be composed of three Faculties or two (in addition to the Non-regents), there is no doubt that a Statute could be carried by a majority of Faculties[2]. It should be added that, as at Paris, only one Mendicant Doctor of each Order might sit in Convocation at the same time[3].

Procedure at Great Congregation.

In a document belonging to the latter half of the fourteenth century or later we find the whole process of voting on a Statute described in elaborate detail[4]. The proceedings are to be spread over five days. On the first day the proposal is to be promulgated by the Proctors in the Black Congregation. On the second day it is to be discussed. On the third day the Chancellor summons a Great Congregation, when the Non-regents elect their 'Scrutators' and through them receive a copy of the

[1] *Mun. Acad.* pp. 211–12. A dispute between the Austin Friars and the University terminated in the submission of the former in 1357. *Archives*, Pix Y (S. E. P.) 11 (Twyne, III. 368). An original document relating to this affair is pasted into the Twyne MSS. II. f. 380. (Cf. *Mun. Acad.* p. 208.) In the fifteenth century we often find a Regular who had graduated elsewhere admitted to the privileges of Regency 'excepto quod non intret domum Congregationis.'

[2] There were other constitutional disturbances at about this time. In 1327 a 'pugna' took place which led to the deposition of the Chancellor and Proctors of the University. See *Chronicles of Edw. II and III*, ed. Stubbs, I. p. 332. Cf. *Mun. Acad.* p. 119 *sq.*

[3] *Mun. Acad.* p. 453: the Dominicans appear to have here enjoyed no special privilege.

[4] *Mun. Acad.* pp. 481–483. The document is apparently not a Statute but merely a memorandum for the use of the Proctors. Since in the Chancellor's book it is inserted only in a later hand, the earlier part of the book being written *circa* 1350, it is probable that it belongs to the second half of the century. S. Mildred's is not mentioned as the place of session for the Black Congregation, which might suggest a still later date.

proposed Statute[1]. At another Congregation the Statute is discussed and voted on by the separate sections of the University, who retire for the purpose to different parts of S. Mary's Church. The Non-regents presided over by the Scrutators 'are to remain in the choir; the Theologians in the Congregation House; the Decretists in the Chapel of S. Anne; the Physicians in the Chapel of S. Catherine; the Legists in the Chapel of S. Thomas; the Proctors with their Regents in the Chapel of the Glorious Virgin[2].' After a second discussion on the next day the votes of each of the six bodies concerned are handed in[3]. This elaborate procedure, extending over five days, was of course only observed when a Statute in the proper sense of the word, as opposed to temporary decrees or dispensatory graces of the University, had to be passed.

Statutes of Separate Faculties rare.

It should be added that we do very rarely find occasional instances of the separate Faculties, as at Paris, making Statutes for the regulation of their own internal discipline[4], but as a general rule Statutes relating to all Faculties—even those dealing with educational details or with internal discipline—were enacted by the Congregation of the whole University. The want of independent corporate life on the part of the superior Faculties and their

[1] In the fifteenth-century Register we find that Statutes were usually drawn up by *eight* delegates appointed for the purpose—precisely the number which we have seen to be usual from an earlier period at Bologna and Paris.

[2] 'Maneant Non-regentes in choro; theologi in domo Congregationis; decretistæ in capella S. Annæ: medici in capella S. Catherinæ; legistæ in capella S. Thomæ; Procuratores suis cum Regentibus in Capella Gloriosæ Virginis.'

[3] The last relic of the system of voting by Faculties is the formula still in use, 'Placetne vobis, Domini Doctores? Placetne vobis, Magistri?' though, upon a scrutiny, no notice is taken of the division into Faculties.

[4] In *Mun. Acad.* p. 402 there is a list of regulations 'expedita Facultate Decretorum.' So on p. 411: 'auctoritate domini Cancellarii et Procuratorum Universitatis, necnon et omnium Magistrorum in facultate artium regentium, *ordinatum est et provisum.*' On one occasion the Faculty of Law obtained a Royal letter allowing them to hold meetings 'pro omnibus negotiis vos ac gradus et facultates vestras concernentibus,' but this was only to enable them to carry on a pending suit against the University, notwithstanding a recent edict against 'illicit conventicles.' Rot. Pat. 8 Ric. II, pt. 2. m. 35: Ayliffe, II. App. p. xxxv.

CHAP. XII, § 3. complete subordination to the inferior Faculty of Arts, is one of the most remarkable peculiarities of the Oxford University constitution. The University of Paris was distinctly a federal constitution consisting of four distinct corporations, one of which was itself a federation. The Oxford Congregation was rather a Parliament of several Estates and one in which the predominance of the most democratic element—the Regents in Arts—was as marked as that of the House of Commons in the modern English Parliament[1].

§ 3. THE UNIVERSITY AND THE TOWN.

Last relic of clerical immunities.

I have thought it well to reserve a separate section for the curious history of the process by which a Society of teachers succeeded first in sharing, then in almost monopolizing, the government of an important English town. The enquiry is an interesting one because it explains the origin of those singular liberties which still survive among us—almost the last relic perhaps in all Europe of the old clerical immunities. But our subject possesses a higher and more solid interest on account of the light which it incidentally throws upon the conduct of local government, the administration of justice, and the realities of clerical and academic life in medieval Europe generally.

In enquiries of this kind we are, as it were, sinking a shaft

[1] It is doubtful, however, how long the Black Congregations continued to be held. In 1570, when a movement took place for the reform of the University's utterly uncodified and mostly obsolete Statutes, it was summoned by the Proctors at the command of the Vice-Chancellor: but we are expressly told that it had become obsolete, and that doubts were entertained as to whether it had not been repealed by Statute. (Register KK 9. f. 94 *b*.) The Church in which it was held was partly pulled down in 1437 and fell into complete ruin by the time of Henry VIII (Wood, *City*, II. p. 95). This circumstance may by itself have assisted the disappearance of the Black Congregation, which was also promoted by the extinction of all Regents in Arts except the most junior Masters, i. e. the necessary Regents. See below, pp. 516, 517.

into the accumulated rubbish of ages; and it may be doubted whether from any other boring we could extract more precious historical ore than from the documentary remains of the Universities, and especially of Oxford and Cambridge. We are struck in reading these records with the minuteness of the control exercised by the King and his Council over local affairs. The government of a medieval town was carried on in accordance with what still remains, under altered forms, the distinctly English system of administration—a system neither of centralization nor of decentralization, but of local self-government subject to central control and inspection. Then as now the ordinary administration was in the hands of elected local officers: but no matter was considered unworthy of the interference of the King and his Council, when once attention was called to any neglect on the part of the local authorities. The rights of Parliament were never so understood as to exclude administrative action of a kind which would now be looked upon as actual legislation. Thus at Oxford we find constant royal orders upon such matters as the repair and cleansing of the streets, or the slaughtering of cattle within the City[1]. The clerks being imperfectly acclimatized were more fastidious than the townsmen in such matters. Thus in 1300 a Royal letter to the Sheriff complains that 'the air is so corrupted and infected' by the filth in the streets 'that an abominable loathing' (or perhaps 'ague') is 'diffused among the aforesaid Masters and scholars,' a state of things aggravated by the practice of the regrators burning fat (*unctum et sepum*) before their houses[2]. There are frequent orders requiring each inhabitant to repair as well as clean the pavement in front of his own door. In the minuteness of its sanitary inspection medieval administration far sur-

Sanitary inspection.

[1] e.g. Rot. Pat. 13 Ed. III, p. 2. m. 28 (Ayliffe, II. App. p. xlii).

[2] 'Per fimos et fimaria, et plures alias feditates que in stratis et venellis ville predicte ponuntur et colliguntur aer ibidem in tantum corrumpitur et inficitur quod magistris et scolaribus predictis et aliis ibidem conversantibus horror abhominabilis incutitur.' Rot. Claus. 29 Ed. I, m. 14 *dorso* (Hare, *Priv.* f. 19*b*: Wood, I. p. 362).

CHAP. XII, § 3. passed anything that obtains in these days of Social Science and hygienic civilization. In 1293 for instance a Royal letter was directed to the Sheriff forbidding the use of the corrupt water of Trillmill stream (on the south of Oxford beyond Pembroke College) for brewing and baking purposes. Antony Wood laments that in his own day 'very unwholesome liquor' was still brewed from the dilute sewage of the offending rivulet, 'which without doubt,' he adds, 'is the author of several diseases among us[1].' The Crown ever exercised a fatherly supervision over the well-being of the scholars. Tournaments and jousts were forbidden in Oxford and its neighbourhood lest they should be distracted from their studies[2], and to this day the Vice-Chancellor retains the right of prohibiting or exercising a censorship over theatrical entertainments in the town. Disputes between Town and University were constantly referred to the King and Council, as also (though more rarely) between conflicting University authorities. There were practically no limits to the interference of the Crown when once interference was provoked, though the general policy of the English Kings was to uphold and protect local liberties. Instances occur of both Chancellor and Proctors being removed by Royal writ[3]. There was of course no notion of the University having legal rights which it could enforce against the Crown. So far as secular authority was concerned, the Crown was practically absolute. Few of the privileges either of Town or University rested upon any parliamentary basis, nor were they part of the Common Law. They were the creation of the Sovereign's favour and were liable to suspension or revocation at his pleasure. A Churchman might of course have claimed the scholar's exemption from lay tribunals as an indefeasible right. But, though in all but very grave cases the cognizance of clerical offences was left to the ecclesiastical tribunals, the King in Council would

[1] Placita coram Rege de Term. S. Mich. 21 & 22 Ed. I. Rot. Scacc. 5; Wood, I. p. 345. There is still a Brewers' Street here.

[2] Rot. Claus. 33 Ed. I, m. 2 *dorso*.

[3] See above, p. 386, n. 2.

never hesitate to imprison a clerk in Oxford or anywhere else.

Chancellor's jurisdiction originally a spiritual jurisdiction over scholars.

It has already been pointed out that the Chancellor's power was in its origin purely ecclesiastical. The jurisdiction which the Official of the Bishop or Archdeacon exercised over other ecclesiastics was specially delegated to the Chancellor in the case of Masters and scholars of Oxford, and (as time went on) of a gradually increasing class of dependents to whom the favour of the University extended some of the least of the then very real benefits of clergy. This jurisdiction was originally claimed in all criminal cases, though in earlier times the more serious cases were reserved for the Bishop's ordinary tribunal. The Chancellor's jurisdiction was enforced by excommunication and penance: imprisonment was regarded rather as a preliminary to trial than as a normal form of punishment. Over laymen the Chancellor had at first no jurisdiction, except in so far as the exercise of such jurisdiction might be incidentally necessary to the enforcement of his authority over his clerical subjects, or to their protection from lay violence; and then his jurisdiction was spiritual only. It is, however, easy to understand that in cases arising out of quarrels between a scholar and a townsman it might often be difficult to say with precision which of the parties was plaintiff and which defendant. Moreover, at a time when the spiritual Courts exercised an extensive control over the private lives of laymen, it is not very surprising that the Chancellor's jurisdiction should occasionally have been extended beyond the limits which the theory of his office would seem to prescribe: and this extension would be facilitated by the fact that there was no Bishop's Court at Oxford, but only that of the Archdeacon. At all events, in one way or another the Chancellor as a spiritual judge seems to have gained a good deal of jurisdiction over townsmen before he received any express recognition of his authority from the Crown.

Early quarrels with Town.

Of the first recorded collision with the townsfolk and its sequel enough has been said. The Ordinance of 1214

CHAP. XII, § 3. produced no change in the constitutional position beyond dividing between the Bishop and Archdeacon on the one hand and the Chancellor on the other the rights hitherto enjoyed only by the former—namely, the right of demanding the surrender of an imprisoned scholar, and (where the Bishop allowed it) conducting the trial. The affair was settled by the Papal legate and the Bishop of Lincoln without any interference of the King[1]. A fatal affray which took place between Town and Gown in 1228 was likewise settled by purely ecclesiastical authority, the offender being positively allowed (such a thing would have been impossible a century later) to be sent to Rome for trial[2]. The promptness of the ecclesiastical authorities to protect the scholars of Oxford contrasts strangely with the apathy shown on the somewhat similar collision of the following year at Paris, and England profited by the reputation which it enjoyed as a safe place for clerks by receiving a colony of the dispersed Parisians. They were specially invited to England by a letter of Henry III[3]. Many of them certainly settled at Cambridge, but others no doubt came to Oxford. The increased importance given to the University by this augmentation of numbers may be traced in a succession of Royal briefs.

Leave to use Town prison, 1231.

In 1231 the King ordered that the Mayor and Bailiffs should allow the Chancellor to use the town prison for the confinement of refractory clerks[4]: and a few years later

[1] The Privilege of 56 Henry III (Ap. 28, 1272) speaks of 'libertates per chartas *predecessorum nostrorum* Regum Angliæ et nostras concessas.' If there were such charters, they have not come down to us.

[2] *Ann. Monast.* (Dunstable), ed. Luard (1866), III. p. 109.

[3] Rot. Pat. 13 Hen. III, m. 6 (Hare, *Mem.* f. 1). In 1231 a Royal writ about the taxation of lodgings declares that 'apud villam nostram Oxon. studendi causa e diversis partibus tam cismarinis quam transmarinis confluit multitudo.' Rot. Claus. 15 Hen. III, m. 13 *dorso* (Hare, *Priv.* f. 1).

[4] *Letters of Hen. III*, ed. Shirley, 1862, I. 399. At a later date the town was directed to provide a separate prison for scholars and other slight offenders 'of good condition,' and not to imprison them 'inter latrones' (Twyne, IV. p. 64). The prison actually used was the chamber over Bocardo Gate which then stood close to the tower of S. Michael's Church.

the Constable is directed to allow the use of the King's prison in the Castle for the same purpose[1]. The fact that there was at Oxford no regular Bishop's prison such as was to be found in every episcopal city or (if there was one) the fact that the Chancellor was not allowed to use it, no doubt contributed to that confusion between spiritual and temporal jurisdiction which is at a very early period traceable in the relations between the Chancellor of Oxford and the townsmen. It is natural to find that the Chancellor always experienced a certain difficulty in obtaining the assistance of the secular arm in executing his decrees, though the Sheriff, Mayor, and Bailiffs are constantly enjoined to render such assistance. It seems, indeed, to have been the custom, when a scholar was sentenced, for the Bedel simply to invite him to go to prison on his own account. If the invitation was declined, he was merely banished from the University[2]. In the year 1231 another important step was taken towards the establishment of discipline among the motley crew with which the fame of its schools had flooded the streets of the town by a Royal brief directing the Sheriff to expel all so-called scholars who were not under a regular Master[3].

Expulsion of Masterless scholars, 1231.

The first important extension of the Chancellor's jurisdiction took place in the year 1244. In that year a raid was made upon the Jewry by a body of scholars. Fifty-five of them were imprisoned and Grossetête had some difficulty in procuring their surrender[4]. But about a fortnight later a charter was granted by which the Jews of Oxford were forbidden to take more than *2d.* in the pound per week as interest from scholars, and all disputes of the kind which had no doubt led to the anti-semitic outbreak were referred to the Chancellor's decision. By this charter the Chancellor acquired jurisdiction in actions of debt, disputes about rents or prices, and all other 'contracts of moveables' in

Charter of 1244.

[1] Rot. Claus. 21 Hen. III, m. 19 *dorso* (Hare, *Priv.* f. 2).

[2] *Mun. Acad.* p. 94.

[3] *Letters of Hen. III*, I. 399.

[4] *Chron. of Abingdon* (ed. Halliwell: Berkshire Ashmolean Soc., Reading, 1844), p. 5. *Fourth Report of the Deputy Keeper of the Public Records*, p. 142.

CHAP. XII, § 3.

Jurisdiction in contracts, 1244.

Mayor's oath, 1248.

which one party was a clerk [1]. A charter of 1248 [2] authorized the Chancellor and Proctors to assist at the assaying of bread and beer by the Mayor and Bailiffs, and imposed upon the latter an oath to respect the liberties and customs of the University, to be taken on admission to office [2]. The Town was also made liable in its corporate capacity for injuries to scholars. Otherwise no change was made in the limits of the Chancellor's jurisdiction. To the spiritual jurisdiction which he possessed by the ordinary ecclesiastical law, and the civil jurisdiction conferred in 1244, the charter of 1255 for the first time added a criminal jurisdiction even over laymen, for breach of the peace. By this charter [3] it was provided that if a layman did any grievous injury to a clerk, he should be imprisoned in the Castle, and detained there 'until he satisfy the clerk and that at the discretion of the Chancellor and University.' It is clear that the jurisdiction here conferred is very ill-defined: but it must at least have enabled the Chancellor to keep an offending burgess in prison till he consented to pay any price the University chose to demand or to do an ecclesiastical penance [4].

Jurisdiction in breaches of peace, 1255.

The disputes been the Town and the University led in

[1] 'In causis clericorum ex mutuis datis aut receptis aut taxationibus seu locationibus domorum, aut equis conductis, uenditis seu commodatis seu pannis et uictualibus ortum habentibus seu aliis quibuslibet rerum mobilium contractibus in municipio aut suburbio Oxon. factis nostra prohibicio non currat' (Rot. Pat. 28 Hen. III, m. 6 *dorso*; Ayliffe, II. App. p. vi). This and all the more important later privileges are printed from the *Inspeximus* of Edward IV, in the *Registrum privilegiorum* of 1770. It should be noticed that this was simply a local grant of what the clergy were everywhere at this time contending for as a matter of right, elsewhere with little success. Cf. Stubbs, *Constitutional Hist. of England*, 1880, III. p. 370.

[2] See the *Inspeximus* of 1268 in *Mun. Acad.* p. 777.

[3] 'Si laicus inferat clerico gravem vel enormem lesionem statim capiatur et si magna sit lesio incarceretur in castro Oxon. et ibi detineatur quousque clerico satisfaciat, et hoc arbitrio Cancellarii et Universitatis Oxoniæ. Si clericus protervus fuerit, si minor vel levis sit injuria, incarceretur in villa.' *Mun. Acad.* p. 776.

[4] In 1263? a jury found that the Chancellor's jurisdiction extended to Jews who, as the King's chattels, would have been exempt from the ordinary ecclesiastical Courts; Rot. Pat. 45 Hen. III, m. 19 *dorso*; Rot. Claus. 45 Hen. III, m. 14 (Hare f. 6); Inquis. post mortem no. 50 (Hare f. 6). Cf. Peshall, p. 26.

Secession to Northampton, 1263.

England, as everywhere, to frequent secessions. Half the Universities in Europe owed their origin to such migrations —Oxford itself probably among the number. A similar migration from Oxford in 1209 led to the establishment of a permanent University at Cambridge. In or about the year 1260 one of the usual conflicts with townsmen led in turn to an exodus from Cambridge to Northampton. At first the new University seems to have been encouraged by the King[1], then he ordered its dissolution; but in 1263 a disturbance at Oxford, followed by a writ ordering the dispersion of the Oxford Schools partly perhaps in view of the session of the Parliament[2] which was to be held there in the spring, had the effect of still further reinforcing the Northampton settlement. The motive for this order seems to have been the sympathy shown by the scholars of Oxford for the King's enemies in the Barons' War. At the siege of Northampton in 1264 the scholars did much execution among the King's forces with bows and arrows—weapons with which they may have been familiarized by occasional practice in the streets of Oxford. On the capture of the town the clerks narrowly escaped hanging at the hands of the indignant monarch[3]. After the King's defeat at Lewes, the scholars were commanded by a writ issued in the King's name to return to Oxford[4], and soon afterwards a similar order decreed the 'entire cessation of the University of Northampton[5].'

[1] Rot. Pat. 45 Hen. III, m. 17 (Ayliffe, II. *App.* p. ix).

[2] *Annales Monast.* (Winton), II. p. 101; (Oseney) IV. p. 141; *Chron. of Abingdon*, ed. Halliwell (Reading, 1844), p. 16; Rishanger, *Chron.* ed. Riley (London, 1865), p. 20 *sq.*; *Chronicles of Edw. I and Edw. II*, ed. Stubbs, I. p. 61; Dyer, *Privileges of Cambridge*, I. p. 6; Rot. Pat. 48 Hen. III, m. 17: *Flores Historiarum*, ed. Luard, II. (1890), p. 458. Walter of Hemingford declares that the University was moved 'jussu baronum,' *Chron.* cap. 29 (ap. Gale, *Rer. Ang. SS.* II. p. 581), while Higden (ed. Lumby, VIII. p. 248), says, 'Rex Henricus ejecit universitatem de Oxonia.'

[3] Upon hearing the King's threats, 'raserunt capita sua multi' (Knyghton, ap. Twysden's *Scriptores Decem*, *c.* 1652, Walter of Hemingford, *l. c.*). Cf. *Chron. Abendon.* ap. Twyne, MSS. XXIV. p. 626.

[4] Rot. Pat. 48 Hen. III, m. 12 (Hare, *Priv.* f. 8 *a*).

[5] Rot. Claus. 49 Hen. III, m. 10 *dorso* (Ayliffe, II. *App.* p. x).

CHAP. XII, § 3.

Earlier Migration to Northampton,

It is highly probable that the emigrants of 1262–4 must have found a body of scholars already established in Northampton. At all events an earlier migration from Oxford had taken place in the year 1238 when a quarrel arose at Oseney between the scholars and the Legate Otho who was lodging in the monastery. A party of scholars had come to the Monastery to salute the Legate, but were rudely repelled by his servants. At the same time a poor Irish chaplain was begging at the kitchen door, when a caldron of hot water was thrown in his face by the Legate's brother, who filled the office of 'Master of the Cooks' to his Eminence. The enraged scholars fell upon the Master-cook, and killed him. The Legate had to take refuge in the town, and at night fled for his life. Oxford was laid under Interdict, the University suspended, and the offenders proceeded against with much vigour by the King[1]. The result was a dispersion. Some of the fugitives established themselves at Northampton, and it is not unlikely that a Studium of some kind maintained themselves in that city continuously from 1238 to 1264:

and to Salisbury, 1238.

others went to Salisbury[2], where we have interesting evidence of the continuance of the Studium then established as late as 1278. In that year we find a compact drawn up between the Chancellor and the Sub-dean of Salisbury with respect to the limits of their respective jurisdictions over the scholars of the place. There is nothing in this by itself to denote the presence of a Studium Generale. The Chancellor of the Cathedral Church everywhere claimed spiritual jurisdiction over the scholars of the Cathedral City, and granted Licenses to their Masters. Still the number of their Masters, the circumstance that they belong to more Faculties than one[3], and the fact that the causes and contracts spoken of are evidently not the disputes of mere schoolboys,

[1] Matt. Paris, *Hist. Maj.* III. 481 *sq.*; *Hist. Min.* II. 407 *sq.*

[2] Walsingham, *Ypodigma Neustriæ*, ed. Riley, I. 141.

[3] 'Inter omnes scolares, cuiuscunque facultatis existant, studiorum causa in civitate ipsa commorantes' (see the document in Appendix XXVIII).

make it probable that the Schools here were of a character which we have no reason for believing to have permanently existed at such places after the growth of the Universities. A century earlier, or at some Cathedral town much more remote from a University than Salisbury is from Oxford, such a Studium would excite no surprise. But at Salisbury in 1278 we can have little doubt that such an agreement reveals the continued existence of the Oxford colony of 1238. Salisbury was still in fact a University town. It would be vain to speculate how far the colony may have been reinforced by the troubles of 1264, or by one of the many disturbances between North and South or Town and Gown which marked the years 1264–1278. It is vain to speculate which of these causes may have led to the attempt to found or develope a Studium at Salisbury. It is of more importance to notice how immediately it is assumed that the local scholastic authority has the same jurisdiction over the new-comers that they had exercised over the mere Grammar-boys before their advent. This is exactly what would have happened at Oxford had it possessed a Cathedral or important Collegiate Church.

Secession to Stamford, 1334.

It is in all probability to the capture of Northampton by Henry III that we owe the fact—on the whole a regrettable one—that England possesses no more than two ancient Universities. Another very determined effort to found a new University at Stamford was made by the Northern scholars of Oxford, worsted in their battles with the Southerners, in the year 1334, or, as another account has it, by Masters beaten in an encounter with scholars[1]. It required the

[1] It seems to me essentially misleading to say with Mr. Henson (*Collectanea*, I. p. 3) that the Carmelite Schools, established *circa* 1265, 'formed the nucleus, around which there soon gathered an University in all but name.' There is no evidence that there were any but purely claustral schools at Stamford till 1334. See *Collectanea*, I. pp. 3-16. On the secession to Stamford, see also Knighton, ap. Twysden, c. 2565; Rot. Parl. vol. II. p. 76; Rymer's *Foedera*, vol. IV. (ed. 1707), pp. 622, 638; Rot. Claus. 8 Ed. III, m. 17 *dorso* (Hare, *Mem.* f. 37); Peck, *Academia tertia Anglicana*, London, 1727. According to a fragment from an apparently lost Chronicle preserved by Twyne and printed

CHAP. XII, § 3. most strenuous exertion of the Royal authority to disperse the seventeen Masters who persisted in lecturing in spite of the Royal prohibition[1]; and until within living memory an oath not to lecture at Stamford was exacted from all candidates for the Mastership at Oxford[2]. Once more in the seventeenth century the jealousy of the older Universities was unfortunately allowed to prevent the execution of Cromwell's project of founding a northern University at Durham. It is impossible to doubt that the cause of Learning in England has been injured by the paucity of its Universities, or that the stagnation of Oxford and Cambridge at certain periods of their history has been aggravated by the total absence of competition. Perhaps even at the present day English education suffers from the too exclusive prestige of her two ancient Universities.

Charter of Edward I, 1275. A new era in the development of the Oxford privileges is opened by the accession of Edward I[3]. A Royal writ of 1275 conferred on the Chancellor the cognizance of all personal actions whatever wherein either party was a scholar[4], whereas it is not clear that the former privileges gave a civil jurisdiction except when the scholar was defendant.

in Appendix XXII, the secession was due to the defeat of the Masters in a bloody encounter with their rebellious scholars. Was it some earlier fracas of this description which induced Master William Wheteley to retire to Stamford and there solace his leisure by writing a commentary on Boethius' *De disciplina Scholarium*, now in the Exeter Coll. Library (MS. No. 28)? If so, certainly his choice of subject is intelligible enough. The words 'qui rexit scolas Stamfordie anno ab incarnatione Domini millesimo tricentesimo nono' might be used of a mere Grammar-school Master, but this is scarcely probable. The MS. has very much the appearance of being a course of academic lectures.

[1] Rot. Escaet. 10 Ed. III. No. 172 (Hare, *Mem.* f. 45).

[2] *Mun. Acad.* p. 375; *Laudian Code*, ed. Shadwell, p. 111.

[3] In Rot. Pat. 8 Ed. I, m. 21 (Hare, *Mem.* f. 18) the King orders the 'custodes cambii sui' to send £3000 to the Chancellor and Proctors 'ad utilitatem scholarium.' This was no doubt connected with the calling in of false and clipped coin. Wood, I. 303.

[4] Rot. Pat. 3 Ed. I, m. 6 (Hare, *Priv.* f. 13). The privilege contains a clause 'non obstante prohibitione nostra.' This is interpreted by Wood to mean that the King had at a former period prohibited the exercise of this jurisdiction; but of course its real effect was to bar an application for a prohibition to the King's Court.

In the same reign we find a legal recognition by the verdict of a jury of the immunity of Halls or Houses occupied by scholars from a variety of fiscal and civic liabilities[1]. This immunity would appear to rest, not (as Wood assumes) upon previous Charters, but upon simple custom, approved perhaps by the King or his Sheriffs, but not hitherto enjoying any legal sanction. In tracing the growth of the University privileges in this period, it must be remembered that we are at present in an age which was governed by custom rather than by written law, and an age in which a precedent of a very few years was held quite sufficient to establish a custom whereof the memory of man went not to the contrary[2]. CHAP. XII, § 3.

Another important right of the University, which was in the first instance probably due to mere assertion, was the principle that houses once occupied by scholars for Halls or Schools should never be let to lay tenants so long as there were Masters who wanted to take them[3]. The taxation of Halls by a joint board of burgesses and Masters is a custom which was established from the earliest times in all medieval Studia. At Oxford it obtained canonical sanction from the Ordinance of 1214, and Royal approval by the general confirmation of the University customs in 1244 and 1248. But the scholars of Oxford, as of some other Universities, claimed that when once a Hall was let Taxation of Halls.

[1] 'A sectis, visibus Franci plegii, auxiliis, tallagiis, vigiliis, finibus, redemptionibus, amerciamentis, contributionibus, aut aliis quibuscunque oneribus emergentibus,' &c. Wood, I. 302, who, however, gives no reference to the original.

[2] I cannot precisely determine the origin of the Chancellor's power of imprisoning prostitutes. It was probably asserted as part of his general power of dealing with disturbers of the peace of the University, and is assumed in the petition of the University and the answer given to it in the Parliament of 33 Edward I (*Memoranda de Parliamento*, ed. Maitland, p. 44), where the Chancellor finds a difficulty in dealing with such characters when they lived beyond his then jurisdiction, 'ultra peti-ponnt in parochia S. Clementis.' The answer is that he must catch them when they enter the town.

[3] *Mun. Acad.* p. 14. Cf. below, p. 467.

CHAP. XII, § 3. to a scholar, it should never be let to a layman, unless the owner might himself wish to occupy it. This claim of the University was sanctioned by a writ of Edward I in 1303[1].

Dispute with Bailiff of Northern Suburb, 1288.

Towards the close of the thirteenth century we find abundant evidence of the growing powers of the University. In 1288 disputes arose out of the attempts of a certain Robert de Welles, the King's Bailiff, to resist the jurisdiction of the Chancellor, not indeed in the town itself but in its suburb outside the North gate. The open space then called Beaumont fields, which embraced not only the present University park but also the wide street or open space known as St. Giles's, appears to have been at that time the usual students' playground—the 'Pré-aux-clercs' of Oxford: hence it is easy to understand how collisions between the University and the Bailiff would arise. The Bailiff had been excommunicated for imprisoning a Bedel and refusing to obey the citation of the Chancellor. He retaliated by procuring the attachment of the Chancellor's Commissary, one of the Proctors, and other members of the University. But, on the matter coming before the King's Council, the rights of the University were upheld and the officious Bailiff removed from his office[2]. On this occasion we find the University employing the favourite weapon of their Parisian brethren, a threat of 'Cessation,' in the event of the obnoxious official being restored. Two years later the whole question of the relations between the Town and University became the subject of discussion before the King in Parliament. By this time it is no longer a question of protecting defenceless scholars from the tyranny of brutal burghers, but of protecting respectable citizens from oppression by the Chancellor's Court and the hundreds of quarrelsome boys who were always ready to annoy their lay neighbours by the abuse of its

[1] Archives, Pix Y (S. E. P.), 5.

[2] *Mun. Acad.* p. 43 *sq.*, 68. The King had ordered the excommunication to be raised till the session of Parliament; Rot. Pat. 14 Ed. I, m. 7 *dorso* (Hare, *Mem.* f. 19 *b*); documents from City Red Book in Twyne, IV. p. 28.

process. The jurisdiction, sometimes salutary enough, but too often petty and inquisitorial, exercised by the ecclesiastical Courts everywhere—not only during the Middle Ages but down to 1642—is too much lost sight of by historians in estimating the real relations between Church and people during these periods. At Oxford the system would be exceptionally galling in proportion to the number and ubiquitousness of the clerical population interested in asserting the rights of their order against offending laics. Already it is complained that the Chancellor sets free prisoners committed by the Mayor and Bailiffs, appropriates to himself the forfeited victuals of regrators and flesh or fish confiscated as unfit for human food, imposes ruinous fines on imprisoned laymen and the like. By the judgment of the King and Parliament (1290)[1], the Chancellor's jurisdiction is for the first time exactly defined. But, though provisions are inserted against the abuses complained of, the net result—as in all subsequent cases of similar dispute—was a substantial addition to the authority which the academic monarch had hitherto legally enjoyed. He now obtained jurisdiction in case of all crimes committed in Oxford, where one of the parties was a scholar, except pleas of homicide and mayhem[2]. His jurisdiction over the King's Bailiffs is affirmed, but with leave to them to apply to the King's Court if aggrieved by

[1] *Mun. Acad* p. 46 *sq.*; Rot. Parl. I. p. 33; Ogle, No. 13.

[2] 'Exceptis placitis de morte hominis et mayhemio.' The successive confirmations of the privileges continue this limitation till a Charter of Richard II (Rot Cart. 14 Ric. II, No. 14; Hare, *Mem.* f. 107) which substitutes 'felonia et mayhemio dumtaxat exceptis,' which long continued to be the legal limit of the Chancellor's jurisdiction (see App. XXXII). It would be assumed that pleas affecting freehold held in lay fee would be excluded from the jurisdiction of the Chancellor as of all other ecclesiastical Courts. (Cases affecting College property were constantly tried in the town court of Hustings.) Cf. the Bull of Boniface IX, 'tribus casibus, videlicet homicidio, mutilatione, et libero tenemento duntaxat exceptis' (*Mun. Acad.* p. 79). In the first two cases, scholars would be surrendered to the Bishop after trial at Assizes. One other class of cases was exempted from the Chancellor's jurisdiction, i. e. pleas which 'touch the Crown.' This exception is made in the verdict of the Jury about the Jews, above, p. 394, n. 3.

CHAP. XII, § 3.

the Chancellor's proceedings. In civil cases it was to extend to all contracts where one party was a scholar and the cause of action arose in Oxford. The victuals—including the stinking fish about which the civil and ecclesiastical authorities were so strangely at issue—or rather perhaps the pecuniary fines imposed upon their vendors, were to go as Royal alms to the hospital of S. John, which then stood outside the eastern gate near Magdalen bridge[1]. The liberties of the University were affirmed to extend to the 'families' (i. e. servants) of clerks, as well as to the Bedels, parchment-makers, illuminators, writers, barbers, and 'others who wore the livery or robes of the clerks[2].' If, however, the latter engaged in 'merchandise,' they were to be tallageable like the burgesses.

Confirmation granted for prayers.

It was customary for the University, like other corporate bodies, to apply from time to time for a confirmation of its Privileges and Charters, particularly on the accession of a new Sovereign. A curious notice has been preserved as to the terms on which these renewals were granted. Scholars were a poor class, but all clerks could read and pray, and in those days prayers were a marketable commodity. Accordingly, when a confirmation of Charters was applied for in 1315, it was granted in return for 1,500 whole psalters[3], in consideration of which the fee for sealing was remitted. Would it be rash to infer that in the number of whole psalters prescribed we have an approximate estimate of the number of scholars then studying at Oxford?

Passing over some grants of minor privileges of no great

[1] 'Forisfacturæ, emendæ, et amerciamenta de carnibus et piscibus putridis et non competentibus.' *Mun. Acad.* p. 51.

[2] 'Nisi clerici et eorum familiæ et servientes pergamenarii luminatores scriptores et alii homines de officio qui sunt de robis ipsorum clericorum.' *Mun. Acad.* p. 52. The last clause can hardly mean persons engaged in making the clerks' robes (i.e. tailors) as Mr. Anstey supposes. To be 'de robis' of a noble meant to be a member of his household or suite, a companion or servant.

[3] 'Per ipsum Regem et consilium et pro mille quingentis psalteriis, et sint quieti de feodo sigilli.' Rot. Pat. 8 E. II, pt. ii. m. 11 (Hare, *Priv.* f. 32).

interest, we come in 1354 to a great crisis in the history of the University. To give the reader some idea of what the medieval Town and Gown war really was, I propose to relate the story of this particular engagement (for such it may fairly be called) in some detail. But the relation of the events of this one war will give a false impression unless it is remembered that the kind of fighting which we shall have to describe was perpetually going on in the streets of Oxford on a smaller scale and with less fatal results. There is probably not a single yard of ground in any part of the classic High Street that lies between S. Martin's and S. Mary's which has not, at one time or other, been stained with blood. There are historic battle-fields on which less has been spilt.

Like nearly every disturbance of the kind, the affair of 1353/4 broke out in a tavern. Its origin cannot be better described than in the racy language of old Anthony Wood. 'On Tuesday, 10 Feb. (being the feast of S. Scholastica the Virgin), came Walter de Springheuse, Roger de Chesterfield, and other Clerks, to the Tavern called Swyndlestock (being now the Mermaid Tavern at Quatervois, styled at this day in leases Swynstock), and there calling for wine, John de Croydon, the vintner, brought them some, but they disliking it, as it should seem, and he avouching it to be good, several snappish words passed between them. At length the vintner giving them stubborn and saucy language, they threw the wine and vessel at his head[1]. The vintner therefore receding with great passion, and aggravating the abuse to those of his family and neighbourhood, several came in, encouraged him not to put up the abuse, and withal told him they would faithfully stand by him[2].' That was all: the same narrative would be a sufficiently exact description of scores of similar conflicts at Oxford, Paris, or any other University town. After this affairs took the stereotyped course. The

'The Slaughter' of 1354.

[1] 'Et cum quarta caput ejus fregit.' Robert of Avesbury, *De gestis Edw. III*, ed. Thompson, 1889, p. 421.

[2] *Annals*, I. p. 456.

CHAP. XII, § 3. vintner's friends rang the bell of the Town church of S. Martin. The commonalty 'in an instant were in arms, some with bows and arrows, others with divers sorts of weapons.' The scholars, at present defenceless, were shot at. The Chancellor appeared upon the scene to 'appease the tumult:' he was shot at, and had to flee for his life back into Gown-land. By his order S. Mary's bell is rung. At such a moment the Chancellor is not overmuch distressed to find that his annual proclamation 'contra portantes arma' has not been too literally observed. Erelong he is at the head of an army of English archers. With such weapons it is difficult to understand how the fight could have been maintained till even the close of a February day without a single man on either side being killed or mortally wounded. But neither townsmen nor gownsmen were as skilled with their weapons as the yeomen of Cressy. The fight had begun on a holiday: the next day was a 'legible' one. The Chancellor made proclamation against breaches of the peace. The obedient scholars, we are assured, betook themselves meekly to the Schools. But not so the townsmen. The Bailiffs had ordered the citizens to prepare for a renewal of hostilities, and had even hired reinforcements of peasants from the surrounding country. A 'determination' which was going on at the Augustinian Convent (the present Wadham College) was broken in upon by a band of armed townsmen. Fourscore citizens, armed with bows and arrows, laid wait in S. Giles's Church till after dinner, when the scholars began to appear in their accustomed recreation-ground in Beaumont fields. This time some of the scholars were mortally wounded. Again the rival bells of S. Mary's and S. Martin's were heard, and preparations made for a pitched battle. The gownsmen shut the town gates, for the rustics were seen swarming in from Cowley, Headington, and Hinksey; but it was too late to prevent a party of some 2000 entering, with an ominous black flag displayed, by the West gate. Hatred of the secular clergy was a pretty strong passion in the rustic mind of the fourteenth century. Now was a fine

opportunity for paying off old scores against the Parish Priest. Some twenty Inns or Halls were pillaged. Scholars were killed or wounded; their eatables and drinkables plundered; their books torn to pieces; the Halls themselves were fired. The next day the Chancellor is despatched, at the head of a deputation, to the King at Woodstock. Meanwhile proclamation is made that the scholars (who had been outnumbered and completely overpowered on the preceding day) shall remain in their houses. But again the Halls are broken into. More scholars are killed outright in cold blood and their bodies mutilated. Others, horribly wounded, are carried off to the town prison. 'The crown of some chaplains, viz. all the skin so far as the tonsure went, these diabolical imps flayed off in scorn of their clergy.' Churches supply no sanctuary. The fugitives are beaten and wounded, clinging to the very altars, nay, to the tabernacle itself. The Friars, forgetting for the moment their own very bitter differences with the University, come out in solemn procession bearing the host and chanting a Litany for peace. The crucifix is planted in the midst of the rioters with a 'procul hinc ite profani': but the sacred symbol is dashed to the ground. One scholar is killed even while clinging to the Friar who bears the host. At last the scholars begin to flee the town, and no further mischief remains to be done[1]. But for the scholars of Merton,

[1] The account sent to the Bishop by the Masters, and the Bishop's Interdict, &c., are given in Linc. Reg. Gynwell, ff. 67–70 (partly copied in Twyne, V. 137; where also are extracts from the lost City Red Book; see also Twyne, MSS. XXII. p. 316); the petition of the Burgesses and the answer of the University in Twyne, IV. p. 76 *sq.*, and several writs relating to the affair in Twyne, IV. pp. 570, 571. See also Robert of Avesbury, pp. 421–423; Leland's *Itinerary*, vol. VI. pp. 141–146; Adam of Murimuth (ed. Thompson, 1889), p. 421 *sq.*; *Chron. Angliæ auctore monacho S. Albani*, ed. Thompson, 1874, p. 31; Bodley MS. 859, ff. 292 *b*–294 *b* (a Latin poem); Rot. Pat. 29 Ed. III, p. 1. mm. 13, 16 *dorso*, 36; p. 2, m. 26. A few of the documents are now printed by Thorold Rogers in *Oxford City Documents*, p. 245 *sq.*, and others by Ogle, *Royal Letters*, Nos. XXXIV–XLV; App. No. III. See also Turner's *Catalogue of Charters in the Bodleian Library*, p. 282.

CHAP. XII. § 3. safe behind their solid walls, and a few others, the town is deserted [1].

But now comes the day of vengeance. For more than a year the Town lies under an Interdict, which is proclaimed in all the churches with the accustomed paraphernalia of bells and curses and extinguished tapers. The King issues a special commission for the investigation of the affair and the punishment of the offenders. The Mayor and Bailiffs are sent to the Marshalsea prison; the Sheriff—who was held, we may presume, responsible for not preventing the inroad of the rustics—is removed from his office. The further hearing of the affair is adjourned to London. Both University and Town surrender all their Privileges and Charters—the University including even those received from the Holy See—into the King's hands. The University had, of course, decreed a 'cessation,' and indeed most of the scholars had of their own accord fled into the country. Not till a general pardon was proclaimed for the offences of the Clerks—an indication, by the way, that the scholars' conduct in the affair had not been altogether as lamb-like as their advocates represented—and published throughout the country did they begin to flock back to their old haunts. As late as June 11 [2], 1355, it was necessary for the King to send a writ to Oxford to entreat the Masters to resume their lectures.

New privileges for the University.

As the outcome of the whole affair there resulted fresh privileges for the University, fresh humiliation for the Town. The assize of bread, wine, and ale; the assize of weights and measures; the cognizance of cases of forestalling and regrating; the 'correction of victuals'; the punishment of both clerks and laymen for carrying arms; the cleansing and paving of the streets (which was to be enforced by ecclesiastical censure); the 'assessment and taxation' of privileged persons—all these matters were now placed under the sole and exclusive jurisdiction of the

[1] 'Nonnulli in eadem Villa præ timore Laicorum latent in abscondito.' Ogle, No. XXXIV.

[2] Rot. Claus. 29 Ed. III, m. 23 *dorso* (Rogers, p. 257).

Chancellor. The forfeitures for unwholesome or 'incompetent' victuals were still to go to the Hospital of S. John. This provision might be held to throw an unpleasant light upon the obscure question of medieval hospital management, but here (as in former cases) it is not quite clear whether it was the victuals themselves or merely the pecuniary fines for selling them that were devoted to charitable uses and the benefit of the Sovereign's soul. On every one of the long-standing subjects of contention between Town and University the latter scored a permanent triumph. From this time forward the Town of Oxford was practically governed by the University[1]. The University thrived on her own misfortunes.

Penalties for the Town.

No less than £250 was to be raised by the citizens and paid to the Chancellor and scholars as compensation for all injuries except death and mayhem; the goods of the scholars which had been seized by townsmen were to be forthwith restored[2]. Besides the material compensation which they received from the Crown, the scholars were accorded an ample measure of what may be called ecclesiastical satisfaction at the hands of the Bishop. He enjoined on the City as a condition of the relaxation of the Interdict what was nothing less than an annual penance to be performed by the Mayor and chief citizens for ever. On every anniversary of S. Scholastica's day the Mayor, Bailiffs, and sixty burghers were to appear in S. Mary's Church at the celebration of Mass with Deacon and Subdeacon (at their own expense) for the souls of the slaughtered scholars, and at the offertory each one of them was to offer one penny at the high altar. Of this sum forty pence was to be distributed by the Proctors among poor students and the rest to go to the Curate of the Church[3]. The length of

[1] Rot. Chart. 29 Edw. III, n. 5 (Hare, *Priv.* f. 74; *Registrum*, p. 23). At the same time the power of the Chancellor to punish breaches of the peace by laymen, even when no scholar was aggrieved, was explicitly recognized and the Sheriff of Oxford required to take oath to respect the privileges of the University.

[2] Rot. Claus. 29 Ed. III, m. 17.

[3] *Mun. Acad.* pp. 190-202; Rot. Pat. 31 Ed. III, pt. ii. m. 26 (Ayliffe, II. *App.* p. lv).

CHAP. XII, § 3. time during which this penance has been performed is one of those curious links between past and present which would hardly have been possible in any country but our own. After the Reformation the Town availed itself of the opportunity of neglecting the Popish ceremony. But upon the University bringing an action against the City upon their old bond for its observance, the Council ordered that the Mass should be commuted to a sermon and Communion, the offering to be made as heretofore. After a few years the service was changed to a Litany. In the year 1800 the Municipality once more attempted to shake themselves free from the humiliating observance. Once more the fine of 100 marks provided for in the bond was demanded by the University and paid by the town. It was only in 1825 that on the humble petition of the City the University was graciously pleased to forego its rights, and that the citizens of Oxford ceased to do annual penance for the sins of their forefathers on S. Scholastica's day, 1354[1].

No executions.

The most curious part of the whole business is that we hear nothing of the sentence passed on the actual criminals. Several of the chief offenders are expressly excepted from the brief granted after the settlement of the affair, by which the accused were allowed to go out on bail. These were apparently reserved for trial at the Assizes[2]. There can, however, be little doubt that they escaped hanging. Even the Mayor who had been the principal offender seems to have spent some years in prison, but he died rich and a liberal benefactor to Mother Church. The contrast between the mildness of the penalties inflicted on the actual ringleaders, and the severity of those imposed on the community, is very characteristic of medieval notions. Corporate privileges carried with them corporate responsibility.

[1] Archives, A. 13; Cox, *Recollections*, pp. 112, 113.

[2] Rot. Claus. 29 Ed. III, m. 17; Ogle, Nos. XXXVII, XLIV. The last document is dated Nov. 17, 1357. Yet by the Order in Council of July 17, 1355 (Ogle, App. No. III) it would seem that even the Mayor was to be bailed. It is not improbable that some of the offenders may have continued in outlawry (some possibly even in prison) till the general pardon at the King's jubilee in 1362 (Ogle, No. XLV).

Clerks of the Market.

It was to secure the better exercise of the supervision over the market conferred upon it at this time that the University appointed the officers known as 'Supervisors,' or 'Clerks' of the Market[1]. The office still remains, though many of its functions have disappeared with the abolition of the old state-regulation of prices and other restrictions on trade: but the Clerk still exercises the power of summarily confiscating false weights and measures, and butter which is under weight.

Jurisdiction of University's Steward, 1405.

Only one important accession of privilege remains to be recorded. Henry IV gave the University the right to claim the surrender of 'privileged persons' indicted for felony, who were thereupon to be tried by a newly-constituted officer of the University, the Seneschal or Steward, to be appointed by the Chancellor, provided the Lord High Chancellor were satisfied of his competence. The trial was then to take place according to secular law by a jury composed half of privileged persons out of a panel returned by the Bedel, and half of townsmen summoned in the ordinary way by the Sheriff of the County[2]. The Commons petitioned against this unconstitutional if not illegal Charter, but in vain, and the University still retains this anomalous privilege as well as the older jurisdiction conferred on the Chancellor's Court[3], both being now sanctioned by a special Act of Parliament.

Not extended to clerks.

It should be clearly understood that in its origin the privilege affected only the case of privileged laymen, servants of scholars, and members of privileged trades, such as writers and stationers[4]. Where the offender was

[1] 'Supervisores marcati' are not mentioned after this date till 1507 (for Clerks of the Market when the City still had control, see Ogle, No. XXII). We hear, however, of 'supervisores panis,' 'vini,' and 'cerevisiæ' from 1454. On the whole subject, see the article in *Collectanea*, II. p. 1 *sq.*, by Octavius Ogle who filled this office for many years.

[2] Rot. Cart. 6 and 7 Hen. IV, No. 3; *Registrum*, p. 47.

[3] The Steward also held a Court Leet in the name of the University. See Twyne MSS. XIII.

[4] In 1454 they are thus defined (*Mun. Acad.* p. 346): 'the Styward of the Universite and fredmen of the same Universite wyth their menyall men, also alle Bedells with their dailly servants and their housholds, alle

CHAP. XII, § 3. a clerk, even in those more serious cases which were not triable by the Chancellor, he was after conviction at Assizes[1] surrendered to the Bishop to be dealt with according to ecclesiastical Law[2]. In the majority of cases he was probably 'admitted to purgation,' i.e. allowed to get a number of other tonsured ruffians to join him in swearing that he had not done it, and was thereupon discharged. If he was refused purgation, or failed in his

stacioners, barbours, the belle-rynger of the Universite, with all their housholdes, all catours, manciples, spencers, cokes, lavenders, povere children of Scolers or clerks [i.e. boy-servitors] within the precinct of the said Universite, also alle other servants taking clothing or hyre by the yere, half-yere, or quarter of the yere, taking atte leste for the yere vi shillings and viii pence, for the half iii shillings and iv pence, and the quarter xx pence, of any doctour, Maister, graduat, Scoler, or clerc, withoute fraude, or malengyne. Also all common caryers, bryngers of Scolers to the Universite, or their money,' &c.

[1] Sir James Stephen speaks of this principle—that a clerk should not be surrendered till after conviction—as settled by the practice of the Courts by the time of Henry VI (*Hist. of the Criminal Law*, London, 1883, I. p. 460). But it was the usual practice much earlier. The jury was impanelled 'ut sciatur quales liberari debent Episcopo' (i.e. whether as guilty or not guilty). See the proceedings at the Oxford 'Eyre' of 1285 (*Oxford City Documents*, ed. Thorold Rogers, Oxf. Hist. Soc. 1891); and the same usage seems to have generally prevailed. Moreover, a constitution of Abp. Peckham enacts that 'clerici pro suis criminibus detenti a publica potestate, et tandem *pro convictis Ecclesiæ restituti*, non facile liberentur, nec perfunctorie pro eis Purgatio admittatur.' See the text with Lynwood's comments in *Provinciale*, l. V. tit. 14, *Clerici*. At times it would appear that Bishops actually issued commissions to the King's Justices to try clerks (so Bp. Burghersh in 1322: Linc. Reg. f. 51 *b*). There were exceptional cases—at Oxford as elsewhere—in which a clerk was hanged, e.g. in 1327, when scholars assisted the citizens of Abingdon in plundering the Monastery. See documents in Twyne MSS. XXIII. p. 220 *sq.*; Wood, I. p. 412. So in 1285, when Rogers (*l. c.* pp. 191, 223) thinks that the offender had previously pleaded his clergy. At about the end of the fifteenth century the judges would only surrender clerks in grave cases *sine purgatione*, with directions that the Bishop was to imprison them for life (Stephen, *l. c.*; Hale, *Precedents and Proceedings*, London, 1847, p. lvii. *sq.*). In 1489 we find a somewhat anomalous commission for the trial of a scholar issued to the Duke of Suffolk, the Mayor and five others (*Materials Illustrative of the Reign of Henry VII*, ed. Campbell, II. p. 482).

[2] This was the usual course, but in 45 Henry III a commission to the Judge of Assize at Cambridge provides 'ita tamen quod ad suspensionem vel mutilationem clericorum non procedatis sed eos *alio modo per concilium Universitatis Cantabr. castigetis*' (Fuller, *Hist. of Camb.* ed. Prickett and Wright, p. 29).

purgation, he was liable to whatever period of imprisonment in the Bishop's prison the ecclesiastical judge might order. But in a majority of cases the convicted clerk probably got off with a very moderate penance. Lay dependants of the University of course enjoyed no such privileges; hence the necessity for the Steward's Court. After the Reformation, however, clerks could no longer claim any further benefit of clergy than laymen, nor were members of the University treated as clergymen. Consequently the provisions of the charter became applicable to all members of the University convicted of treason or felony, and were not unfrequently put into force.

The precinct of the University.

In the same reign the hitherto vague limitation of the Chancellor's jurisdiction to the 'precinct of the University' received a more exact definition. It was declared to extend to the Hospital of S. Bartholomew on the east, to Botley on the west, to Godstow Bridge on the north, and to Bagley Wood on the south [1].

Subjection of Town.

By the middle of the fifteenth century the Town had been crushed, and was almost entirely subjugated to the authority of the University. The burghers lived henceforth in their own town almost as the helots or subjects of a conquering people. Whatever ups and downs there may

[1] Rot. Cart. 2 Hen. IV, pt. i. No. 2 (Hare, *Mem.* f. 116). The power of banishment beyond the limits of the town itself was probably assumed in the first instance as a part of the Chancellor's ordinary criminal jurisdiction, being a usual punishment in town-courts. It was exercised early in the fourteenth century (Linc. Reg. Dalderby, f. 27*b*); and it is expressly recognized in 1355 (Ogle, No. XLIII). In 1444 it is defined as extending, in the case of 'contumacious and rebellious persons,' to twelve miles round Oxford (*Mun. Acad.* p. 540), though a later Charter of 1459 (Rot. Pat. 37 Hen. VI, pt. i. m. 7; Ogle, No. LXXV.) limits it (while professing merely to extend the existing power of banishment) to ten miles with reference to 'omnes pronubas et mulieres incontinentes.' In this last case the power has been exercised very recently. In 1482 we find in the Proctors' accounts, 'Pro delacione collistrigii ad quadrivium pro punitione unius mulieris bannite, iiii*d.*' (Archives, W. P.—Y. 28). As to the power of 'discommuning' still occasionally exercised by the University, Twyne (XXIII. 491) declares that he knows of no express grant of it. It must be taken to be simply a part of the University's disciplinary power to interdict its own members from 'commercium cum oppidano.'

CHAP. XII, § 3.

have been from time to time in the battles of the streets, the constitutional relations between the two populations continued to be regulated in the main by the settlement of 1355[1]. It is difficult at the present day to realize the extent of interference with the private lives of individuals which the system of a godly ecclesiastical discipline really involved; though it must of course be remembered that lay town-government was hardly less minutely paternal. At Oxford a very peculiar mode of enforcing this discipline was established at an early period—a mode which appears to have been practised as regards the 'excesses' of scholars as early as 1280, and to have gradually extended itself to the misdoings of the laity[2]. At irregular intervals what was termed a 'general inquisition' was instituted into the morals of the inhabitants. The town was mapped out into districts, to each of which a Theological Doctor and two Masters of Arts were appointed. These 'delegate judges' sat in the different Churches of the town and there held a general investigation into the characters of the inhabitants, a jury of citizens being summoned before them to give evidence on oath[3]. A report was then made to the Chancellor, before whom the offenders were summoned with a view to excommunication and penance. One of these reports which has been preserved gives us full statistics as to the exact number of common scolds

General Inquisition.

[1] Among the relics of this state of things which have survived till to-day or yesterday is the fact that the night-police of the City were wholly controlled and paid by the University till the Oxford Police Act of 1868. In the medieval Proctors' accounts we get charges of some £2 or £3 'pro expensis factis in nocturnis vigiliis pro custodia pacis toto anno,' but excessive expenditure on this head is often surcharged by the auditors to the over-zealous Proctors personally (Archives, W. P.—Y. 28).

[2] *Mun. Acad.* p. 42. Mr. Anstey's summary misrepresents the meaning. The 'tam per scholares . . . quam laicos' means by the evidence of a jury of scholars or laymen.

[3] This 'Inquisition' was probably a local survival of the episcopal Inquisitions by means of Synodal witnesses, or Synodsmen (whence the more modern 'Sidesman'), which elsewhere became extinct—on the Continent largely because superseded by the Papal Inquisition. Grossetête had revived this Inquisition throughout his diocese. See Lea, *Hist. of the Inquisition*, I. p. 312 *sq.*

(*objurgatrices consuetudinariæ* or *intolerabiles*), as well as of notorious evil-livers of a more serious order who were found in the parish of St. Peter's-in-the-East in the year 1441[1]. Some of the offenders were reported merely for keeping late hours, a habit which in the fifteenth century exposed people to the gravest suspicions[2].

Mildness of Law in Medieval Towns.

In spite of the inquisitorial character of medieval police, the annals of Oxford produce an impression of the extreme mildness of English criminal law in the Middle Ages—at least in corporate towns. It may have been quite otherwise, in particular cases with the villeins of rural Lords. One meets with no such sentences as perpetual imprisonment or demolition of the offender's house, which were occasionally the fate of an oppressor of the clerks of Paris, though even there murder could generally be compounded for. When bows and arrows or daggers were employed in every street-brawl, a very slight disturbance might often terminate fatally. At Oxford homicide was so frequent that the Proctors were directed to keep lists of such offenders[3] who had been banished from the town. An execution was of the rarest possible occurrence. As a general rule homicides of a kind which in modern times would be more often treated as murder than as manslaughter were punished by a few months' imprisonment, or excommunication, or both, terminated by some kind of penance, of which a payment for the spiritual benefit of the deceased, and (if the victim was a scholar) for the temporal profit of his surviving brethren, in general formed a prominent part. Banishment from the place was in fact the only severe secondary punishment which seems to have been practically known to the jurisprudence of a medieval town[4]. To the medieval mind the main object of punishment was to produce submission and promises of future amendment.

[1] *Mun. Acad.* pp. 580–1.

[2] Instance the following:—'*Item*, dicunt iidem jurati, quod Isabella Hay custodit vigilias suspiciose et frequenter usque ad mediam noctem.' So Mauritius Kariore 'consuetudinarie custodit vigilias suspiciosas ultra tempus' (*l. c.*).

[3] *Mun. Acad.* pp. 24, 494.

[4] Townsmen were frequently pilloried—not so, of course, the clerks.

CHAP. XII, § 3.

Almost the only deterrent punishment (besides banishment) consisted in fines and ecclesiastical penances, humiliating perhaps but not severe. There was a quite intelligible feeling against the infliction of a punishment, such as prolonged imprisonment, which did not redound to the advantage of the persons inflicting it, and which would certainly have imposed a severe tax upon the innocent community. A man was only imprisoned as a means of compelling him to submit to the Court, pay his fine and swear 'not to do it again.' If he could not be caught, he was excommunicated with a like object[1]. A curious instance of this domestic system of jurisprudence occurred in the case of an 'organ pleyer' of All Souls, who was imprisoned for adultery, but upon his 'weeping bitterly' the Warden was inspired with 'good hope of him for the future,' and became surety for him[2]. Whereupon he was discharged without further penalty after a few hours' incarceration.

Frequency of Assault.

The great mass of the criminal business of the Chancellor's Court consisted in the settlement of assault cases of one kind or another. It must be remembered that in the Middle Ages it was not merely freshmen or young noblemen who were involved in street-brawls and assaults, but Masters of Arts, Monks, Friars, beneficed Clergymen, Principals of Halls, even Heads of Colleges. Thus, within a period of ten years, we find two successive Vicars of S. Giles's in trouble. One of them was merely bound over to keep the peace; the other 'forfeited his club and paid two shillings[3].' A schoolmaster is imprisoned for inciting his scholars to drag from the pulpit a Priest who was reading his excommunication[4]. Some of his devoted pupils afterwards joined him in gaol for attempting a nocturnal rescue. The Warden of Canterbury was convicted of consenting to his scholars violently seizing the beer of others to the value

[1] In the earliest period, as we have seen, the Chancellor generally proceeds by excommunication. When he had acquired the power of imprisonment both of clerks and laymen, he was disposed to rely chiefly on the secular arm, though excommunication as well as imprisonment is frequently threatened in his edicts.

[2] *Mun. Acad.* p. 674.

[3] *Ib.* pp. 588, 668.

[4] *Ib.* p. 601.

of 12*d.*[1]. He was merely required to pay the value of the beer to the complainants. There was a regular tariff of charges for various kinds of breaches of the peace varying from 12*d.*—about a week's battels for a poor scholar—for threats to 40*s.* for 'resisting justice' or 'nocturnal wandering.' This last enormity, it is curious to note, is punished twice as severely as 'shooting an arrow with intent to injure,' nor was the usual punishment increased even when the victims chanced to be the 'Northern Proctor and his attendants[2],' the offender being merely imprisoned till his fine was paid. It should be added that in the Chancellor's Court—as in England generally—immense use was made of the system of sureties. There are half a dozen cases where sureties to keep the peace or be of good behaviour are required for one in which any actual penalty is inflicted[3].

Inquisitorial Jurisdiction.

There really seems to have been hardly any limit to the extent to which the private life of citizens as well as scholars was liable to regulation in the Chancellor's Court. Its procedure was no doubt much the same as that of town courts elsewhere; but in ordinary municipalities the system was administered by elected magistrates. Brewsters and taverners are pilloried or (if incorrigible) banished for brewing bad beer[4], bakers for giving light weight. A manciple is punished for playing cards all night[5]. Certain tradesmen are required solemnly to abjure the game of 'tennys' within Oxford and its precincts[6]: two others are imprisoned for speaking words against the office of Proctor, until they swear to be faithful to the University in word and deed[7]. Every species of quarrel in which a scholar or privileged person was concerned was brought into the

[1] *Mun. Acad.* p. 506.

[2] *Ib.* p. 666. The scale is fixed by a Statute of 1432 (*ib.* p. 314), which remarks in the preamble that 'there is no better means of punishment in these days' than fines, which are more feared than anything else.

[3] The amount annually returned into the University Chest by the Proctors 'pro de transgressoribus et perturbantibus pacem' was often only some twenty or thirty shillings. (*Archives*, W. P.—Y. 28.)

[4] *Acta Curiæ Cancellarii* (Aaa.), *passim.*

[5] *Mun. Acad.* p. 30.

[6] *Ib.* p. 602.

[7] *Ib.* p. 556.

CHAP. XII, § 3. Chancellor's Court, and, in nine cases out of ten, referred to arbitration or settled by an agreement drawn up under the auspices of the Chancellor.

Amicable settlements.

In this way servants often settled their wages with their masters, writers with the stationers who employed them, and so on [1]. In one case an agreement between a schoolmaster and the Prior of the Canons Regular, who had quarrelled, contains a clause providing that the parties should partake of an amicable meal together in the hall of the Prior's College [2]. In another, bad blood having arisen between two Halls, it was agreed that the Principals should kiss each other, and be reconciled [3]. This parental system of adjusting disputes was no doubt well adapted to the wants of an age in which full-grown and well educated men fought and quarrelled and informed against one another on the slightest provocation, like children in a nursery. Few things are more calculated to make one realize the enormous extent to which civilization has succeeded in curbing and controlling the natural passions even of the lowest strata of modern society than the annals of a medieval University.

Expulsion of Irish, 1423.

It is instructive, by the way, to notice that by the beginning of the fifteenth century Saxon oppression had already, it seems, developed the well-known characteristics of the Irish race. Their turbulence, exceptional even in the University towns. led in 1413 to the passing of an Act of Parliament banishing them from the Universities. Religious and graduates were excepted from the provision, but even these were required to find security for their good behaviour [4]. After a temporary relaxation, the expulsion was actually carried out in 1423, except in the case of clerks producing certificates from the English authorities in Ireland that they were subjects of the King of England [5].

We have noticed the incessant oaths of amendment on

[1] The cream has been skimmed from the *Acta Curiæ Cancellarii* in *Mun. Acad.* pp. 505–727.

[2] *Mun. Acad.* p. 713.

[3] *Ib.* p. 553.

[4] Rot. Parl. IV. p. 13; Wood, I. p. 557; Rot. Claus. 1 Hen. V, m. 8.

[5] Rot. Parl. IV. p. 190.

Purgation.

the part of accused persons. Still more at variance with modern notions was the practice of allowing a plaintiff who confessedly could not prove his case to require the defendant to clear himself on oath. Sometimes persons merely suspected or accused by common report of discreditable conduct appeared in Court to set their character right with their neighbours. Thus on one occasion the Principal of White Hall insisted on being allowed to swear that he was not a Scotchman[1]. In some cases—in charges of immorality, of theft or fraud, and even in actions of debt—the extraordinary system of compurgation, everywhere employed by the ecclesiastical Courts in dealing with the offences of the clergy, was adopted in the Chancellor's Court. In these cases, besides the defendant's own oath to his innocence, twelve or some smaller number of other clerks were called upon to swear that he had spoken truly. This was the usual termination of all criminal prosecutions against the clergy in other Courts for all offences from murder downwards. The only way in which the procedure of the Chancellor's Court differed from that of the ordinary Bishops' Courts is that at Oxford clerks really did suffer minor punishments—fine and banishment—whereas elsewhere they would too often have gone scot free. Another peculiarity of the Chancellor's Court was its jurisdiction over the very large number of scholars' servants, and persons belonging to various trades specially connected with the University, who had been admitted to the same privileges as actual scholars. The wide extension thus given to University privilege is specially characteristic of the English Universities.

[1] It is entirely misleading with Mr. Anstey (*Mun. Acad.* p. 631) to call the admission to compurgation a 'trial by a jury of twelve men before the Chancellor.' In ordinary ecclesiastical Courts, when a clerk offered to purge himself, no evidence could be offered for the prosecution. At Oxford people could, indeed, object to the clerk being admitted to purgation, but only, as Chancellor Gascoigne remarks, at the risk of death or mutilation: hence that excellent Chancellor warns his successors against too great facility in admitting to purgation, which was at Oxford 'occasio intolerabilis nequitiæ.' *Ib.* p. 536.

§ 4. The University and the Church.

Chap. XII. § 4.

Original position of Bishop.

The relation of the University as a body and of its individual members to the ecclesiastical authorities is, as we have seen, an entire blank up to the year 1214. The University was in a sense the child of ecclesiastical anarchy, and its subsequent history was not unworthy of such an origin. But the restoration of ecclesiastical order for a time placed the University entirely under the control of the Bishop of Lincoln. In the closeness of the relations between the University and the Bishop, Oxford in its earliest days resembles rather some of the smaller Universities of France, such as Orleans or Montpellier, than Paris, where a powerful Chapter and a capitular Chancellor stood between the Bishop and the University. What differentiates the position of Oxford from that of Angers or Orleans is the distance of the episcopal City. The closest, indeed the only close, parallel to the Oxford constitution is found in the Medical University of Montpellier, where alone we find an elective Chancellor, who is at once the Bishop's officer and the Head of the University—where also the University was not actually in the Bishop's See, though Maguelone is only a few miles from Montpellier, while Oxford is some 120 miles from Lincoln; and this latter circumstance is the determining factor in the process by which Oxford became emancipated from the jurisdiction, first of the Bishop of the diocese, and eventually even of the Metropolitan and Primate of all England.

The Chancellor the Bishop's delegate.

In the period immediately after 1214 the Bishop, besides exercising his ordinary jurisdiction over Masters and scholars, claimed at times to regulate matters of purely academical concern. The Chancellor was merely his officer, and enjoyed just so much authority as the Bishop chose from time to time to delegate to him. His jurisdiction was merely concurrent with that of the Bishop and Archdeacon and their respective Officials. Thus in the case of a serious crime we find Henry III refusing to allow the surrender of a batch of imprisoned clerks to the Chancellor, and requiring

it to be made to the Bishop or his Official[1]. So long as the See of Lincoln was filled by Robert Grossetête—the most distinguished son that the infant University had yet produced—almost unbroken harmony prevailed between the University and the Diocesan. The University was encouraged and protected by the Bishop, who addressed to the Masters truly paternal admonitions as to the method of their studies, which seem to have been received in the spirit in which they were given[2]. It was not till the accession of his successor, Henry of Lexington, in 1254, that the first disagreements broke out. It was possibly in consequence of this Bishop's interferences with the liberties of the University that the Masters in that year procured from Innocent IV the confirmation of their Statutes. At the same time the Bishops of London and Salisbury were appointed Conservators of the 'rights, liberties, and immunities of the University[3].' This provision did not, however (like the corresponding arrangement at Paris), materially affect the development of the University. The jurisdiction which at Paris was entrusted to the Apostolic Conservator was at Oxford exercised by the Chancellor himself. It was only against the Bishop of the diocese, who could not well be excommunicated by his own Chancellor, that the University required external Conservators, and it would be difficult to produce an instance of the exercise of these powers by the Papal Conservators. No regular Court of Conservation ever sat at Oxford[4].

Hostility of Bishop Lexington.

Conservators Apostolic.

[1] Adam de Marisco, *Ep.* 110 (*Mon. Francisc.* I. p. 115). The reason given is that the offences might be such as to require 'deposition' or 'degradation.' This power the Chancellor appears never to have possessed, even in the height of his importance. Yet after 1369 it would seem that no one else (except the Pope) could have legally passed such a sentence. The punishment was, however, one which (except in case of heresy) was almost as unknown to the Ecclesiastical Courts in the Middle Ages as it is unhappily at the present day.

[2] *Epistolæ*, No. 123 (ed. Luard, p. 346).

[3] *Mun. Acad.* pp. 27, 29. It is observable that the liberties of the University are recognized as in part resulting from the concession of the Bishop. Cf. 'libertates et immunitates ab *Episcopis*, Regibus, Magnatibus et aliis Christi fidelibus rite concessas.'

[4] There is, indeed, a letter in the University Letter-Book (F. f. 38:

CHAP. XII, § 4. Settlement of 1257.

The dispute with Bishop Lexington went on till 1257, when a peace was arranged before the King in Parliament at S. Alban's. What were the terms of the arrangement is not known[1], but from an incident which occurred in the following year it would appear that the Bishop objected to all manifestations of autonomy on the part of the University. The real question was whether the University of Oxford should be governed by itself or by the Bishop. It will be remembered that it was but very recently that the University had begun to reduce its unwritten customs to written Statutes, and the opposition which it encountered from Lexington was nearly as decided as that which the Masters of Paris experienced at the hands of the Chapter and Chancellor at a precisely similar stage in their constitutional development some forty years before. The Masters had passed a Statute denouncing the penalty of suspension from Regency (which was to be inflicted not by the Chancellor but by the Proctors) for non-attendance at Congregation. As the Masters lectured by virtue of the Licence which the Chancellor bestowed as the Bishop's representative, the Bishop regarded the new Statute as an infringement of his prerogatives. The Chancellor, though theoretically the Bishop's officer, was already completely identified with the interests of the University, and had expressly assented to the Statute. But the Archdeacon of Derby (perhaps as the Bishop's Official) entered a protest on behalf of the Diocesan. It does not appear, however, that anything came of it beyond a formal acknowledgment on the part of the University that they did not intend by their Statutes

Twyne, VII. f. 91) calling upon the Bishop of London to act as 'nostre Universitatis conservator specialis' (?*circa* 1411).

[1] Mat. Paris, *Chron. Maj.* vol. V. p. 648. It was on this occasion that the historian, pleading for the University with the King, used the celebrated expression about Oxford being 'the second school of the Church'—'Universitas enim Parisiensis, tot altrix et magistra sanctorum prælatorum, non mediocriter perturbatur; si similiter uno tempore perturbetur Oxoniensis Universitas, cum sit schola secunda Ecclesiæ, imo Ecclesiæ fundamentum, timendum est vehementer, ne Ecclesia tota ruinam patiatur.'

'to prejudice the said Bishop or his successors or the Church of Lincoln[1].' CHAP. XII, § 4.

Originally, as has been said, the Chancellor's right to demand the surrender of imprisoned scholars was shared with the Archdeacon and the ordinary Official of the Bishop. The Bishop was at any moment entitled to supersede the authority of the Chancellor, and there was of course an appeal from him to the Bishop. The later Royal grants of privilege were, however, made in favour of the Chancellor's Court only: and the Chancellor thus obtained an exclusive right to demand the surrender of scholars in all cases to which his jurisdiction extended, i. e. all except homicide and mayhem or (later) felony. In those cases the surrender was presumably made to the Bishop, but only after indictment at Assizes[2], and the clerk was punished, or more often escaped punishment, in the same way as other clerks. The independent jurisdiction conferred upon the Chancellor by successive extensions of Royal privilege, combined with the unique character of the office, the vague and mysterious authority supposed to reside in the University, the facility with which in the Middle Ages the custom of a decade or two was held to establish inalienable rights, combined to make the Chancellor practically independent of the distant prelate from whom he derived his commission[3], even before he obtained canonical immunity from the great sanctioner of all successful ecclesiastical usurpation in the medieval world. The Royal jurisdiction granted to Chancellor only.

In the episcopate of Lexington's successor, Richard of Gravesend (1258–1279), we hear little of any conflict between the Bishop and the University, and during the reign of this peaceable prelate it would seem that the University managed to effect considerable inroads on the episcopal prerogatives. In the last year of this Episcopate (1279), Archbishop Peckham and his comprovincials as- Growth of Chancellor's powers under Bishop Gravesend and Archbishop Peckham.

[1] *Mun. Acad.* p. 30; *Ann. Monastici* (Burton), ed. Luard, vol. I. p. 436.

[2] See above, p. 410, n. 1.

[3] The favourite residence of the Bishops of Lincoln was at Bugden or Buckden in Huntingdonshire, some sixty miles from Oxford.

CHAP. XII, § 4. sembled in Council at Reading solemnly confirmed the privileges of the University and provided for the effective exercise of the Chancellor's power of excommunication by enjoining that his sentences should be duly executed in any diocese to which the offender might have escaped and denouncing a penalty of three years' sequestration against beneficed disturbers of the University's peace[1].

Privileges asserted against Bishop Sutton, 1280.

The next bishop, Oliver Sutton, from the moment of his accession became involved in a dispute with the University[2]. In the year 1280 we find Congregation solemnly swearing to maintain against the Bishop the four following rights as based on custom 'from time out of mind':—(1) That a scholar might cite a lay defendant before the Chancellor[3]; (2) That the probate of scholars' wills belonged to the Chancellor[4]; (3) That the right of 'inquisition' into the moral delinquencies of scholars belonged to the Chancellor; (4) That no Master could be compelled to plead in any Court but the Chancellor's in respect of contracts entered into within the University. In the following year we find the Chancellor, Proctors, and other Masters summoned to Buckden to answer before the Bishop for their 'contempt' in resisting his visitatorial power, and a batch of other Masters and scholars summoned to answer charges of

[1] *Mun. Acad.* p. 39. The original with the seals of the Archbishop and his Comprovincials is in Archives, Pyx I. (W. P.) 2 (but some of those mentioned in *Mun. Acad.* p. 41 are wanting and were never there). It should be added that the decree distinctly recognizes the University itself as sharing the Chancellor's right of Excommunication: 'sententiis per Cancellarium vel iudices inferiores deputatos ab eo vel per Cancellarium ipsum una cum tota universitate quandoque regencium, quandoque solorum regencium, quandoque regencium et non-regencium,' &c.

[2] The excommunication (renewed by Dalderby in 1314) against those who make or introduce Statutes or customs 'que magis proprie abusiones et abhominationes dicuntur' against the rights of his see, probably belongs to this period. Reg. Dalderby, f. 265 (Twyne, VII. f. 376 *b*).

[3] At this time the Chancellor certainly possessed such jurisdiction by Royal privilege in civil matters (see above, pp. 394, 398); it might be disputed how far it extended to spiritual cases.

[4] 'Et procuratores' is found in the Proctors' books but is erased and then written over in the Chancellor's book. If it is genuine, the usurpation is the more remarkable as the Proctors had certainly never been entrusted with spiritual jurisdiction.

incontinence which had been brought against them at the recent Visitation. The Chancellor and Proctors pleaded that a general commission had been given to the Chancellor by the Bishop's predecessor, and that by long custom the jurisdiction in such cases belonged to the Bishop only 'in defect of the Chancellor' or by way of appeal in the last resort, after appeal had been made in vain to the Congregation of the University[1]. Of this appellate jurisdiction in spiritual cases claimed by the University I shall have something to say hereafter: at present it may be noted that, though apparently recognized by the Bishops at Reading, it rested originally upon no legal or canonical basis whatever, and is one of the most astonishing instances in history of the success of barefaced assertion and bold usurpation. The question was at length brought before a provincial Synod or Convocation, when the Archbishop and his colleagues warmly took the part of the University, and the Bishop was compelled to concede all that the University wanted, with a barren protest that he did it as an act of pure and voluntary grace. From this time forward the Chancellor's jurisdiction was practically exclusive of the Bishop's in all ordinary cases[2]. Sutton was the

[1] The University alleged that 'correctiones huiusmodi non nisi in defectu Cancellarii et universitatis iuxta gradus et ordinem per viam appellacionis in causarum cognicionibus observatum ad cognicionem episcopi pertinerent.' Original in *Archives*, I. (W. P.) 5 (Twyne, I. pp. 65–6, XVII. p. 418).

[2] A Synodal Constitution of the Bishop giving a general confirmation of privileges was made in Aug. 1280 (original lost); Twyne, VII. p. 366. A 'Compositio' leaving the visitation of Masters and Scholars to the University by special favour, is dated A. D. 1281 (Original in Archives, I. (W. P.) 5). The Council of Bishops there referred to will probably be the Convocation at Lambeth in 1280 (Wilkins, II. p. 42). Of course there remained extraordinary exertions of the episcopal jurisdiction which the Chancellor did not claim, such as the power of Interdict, Deprivation, or Degradation. There remained also a doubt as to the relations between the Chancellor and the Archdeacon of Oxford, which culminated in a suit between the University and Cardinal de Mota, Archdeacon of Oxford, in consequence of the extortions and encroachments of the Officials to whom the absentee Archdeacon had farmed out the Archdeaconry. It appears that the dispute related chiefly to (1) jurisdiction over clergy beneficed or serving Churches in Oxford, (2) privileged persons other

CHAP. XII, § 4. last Bishop who seriously attempted to interfere with the ordinary course of appeal from the Chancellor's Court to the Regent Congregation and thence to the full Congregation of Regents and Non-regents[1]. There remained the right of appeal to the Bishop, though even that would appear to have fallen into practical desuetude before it was formally abrogated. Formal assertions of the Bishop's ancient rights continued to be made from time to time, but by the beginning of the fourteenth century the University had practically become the stronger power of the two[2].

than scholars and the probate of their wills. The controversy, which began before 1325, was settled by consent in 1345, when it was decided that the Chancellor alone had archidiaconal jurisdiction over scholars (except those serving Oxford cures) as well as over a limited number of privileged tradesmen, except in respect of the probate of wills of writers. Over scholars serving parochial Churches the Archdeacon retained his jurisdiction in respect of the fabric, goods and services of the Church, but without prejudice (apparently) to the Chancellor's general power of correction. *Mun. Acad* pp. 148–52. See also the documents (ed. Henson) in *Collectanea*, I. pp. 8–9, 16–27; Wilkins, *Concilia*, II. 526–528; Rymer, IV. (1707) pp. 189–191, 375, 385, 411–413; Archives, Pyx I. (W. P.) 11. (Twyne, VII. f. 396 *b*.)

[1] The Bishop appended to his confirmation a protest against a number of usurpations on the part of the Masters, especially their claim 'se non posse aliquo modo trahi coram Episcopo extra municipium Oxon. si de ipsis querela deponeretur uel eciam ab ipsis appellaretur Episcopus, quodque non posset admitti appellatio interposita ad Episcopum a Cancellario nisi servaretur gradus appellando primo a Cancellario ad universitatem regencium et secundo regencium et non-regencium.' Linc. Reg. (Sutton, f. 3). The Commission was granted 'donec aliud vobis super hoc dederimus in mandatis.' Again in 1291 the Bishop raises technical objections before he would consent to confirm the Chancellor 'de gracia speciali,' and declares that the University 'reuerti ad antiquam stulticiam suam' (Reg. ff. 50, 51). In 1297 he grumbles at the University speaking of their electing instead of nominating a Chancellor (Reg. f. 178 *b*). In 1314 Bishop Dalderby drew up a letter against those who infringed the Episcopal rights in the University of Oxford by their 'illicit confederacies and mutual conspiracies,' 'sed non fuit ista littera executa' (Reg. f. 260). He renewed, however, Sutton's excommunication against those who made Statutes to the prejudice of his See (Reg. f. 264 *b*), and fulminated 'contra usurpantes iurisdictionem in universitate Oxon. Cancellaria vacante' (Reg. f. 265 *b*). Bishop Beck in 1343 also objects to the term 'election,' and confirms 'de gracia speciali' (Reg. f. 88 *b*).

[2] In 1284 it is still necessary for the Archbishop to write to the Bishop of Lincoln on behalf of the

In England the archiepiscopal jurisdiction was a very formidable reality. The Archbishop claimed and exercised a general power of hearing in the first instance or calling up into his Court cases from all parts of his province without waiting for the decision of the diocesan judge. Metropolitical Visitations, during which the whole authority of the Bishop was suspended, were of not infrequent occurrence. Two very important Visitations of the University were held in the course of the thirteenth century, by Kilwardby in 1276 and by Peckham in 1284. Although the first-mentioned prelate was himself a Dominican who had graduated both at Paris and at Oxford, the main object of his Visitation was to condemn a number of doctrines—grammatical, logical, philosophical, and theological—which had recently begun to be taught by the Oxford Dominicans and some of which claimed the authority of the great S. Thomas himself. The condemnation was renewed at a similar Metropolitical Visitation by the Primate's Franciscan successor Peckham in 1284[1]. There are also many instances of appeals to the Archbishop's Court, and the Archbishop systematically supported the authority and independence of the Chancellorship against the Bishops of Lincoln. It was largely, no doubt, through the Archbishop's interference that Sutton was compelled to yield to the claims of the University[2].

Metropolitical Visitations.

After the episcopate of Sutton, the disputes between the

University. (Wilkins, *Concilia*, II. pp. 111, 113.) Lastly in 1322 Bishop Burghersh revokes his commission to the Chancellor and inhibits all preaching in the University. (*Archives*, Pyx I. (W. P.) 8; cf. Rot. Cl. 16 Ed. II, m. 29). Though the exact circumstances are not known, the dispute now but appears to have been one between the Chancellor and the Masters, not between the University and the Bishop. The revocation was made 'vestro rogamine mediante.'

[1] The errors now condemned are printed in a black-letter pamphlet (without date or place-mark) entitled *Mag. Stephani formalitates in doctrinam Scoti*, and by d'Argentré, *Collectio Judiciorum*, I. 234; Wood, I. 306; Wilkins, *Concilia*, II. p. 107 *sq.*; *Annales Monastici* (Oseney), vol. IV. pp. 297-9. Among the grammatical errors was the assertion that 'Ego currit' is good Latin. This doctrine was of course a logical theory about the copula, not a piece of mere grammatical ignorance, as is supposed by Wood and others.

[2] *Mun. Acad.* p. 39.

CHAP. XII, § 4.

Disputes as to Chancellor's confirmation.

Bishop and the University related mainly to the formalities to be observed on the presentation of a new Chancellor to the Bishop. Already in Sutton's time the question had been raised whether the Chancellor-elect was bound to appear in person to seek for confirmation. In 1288 the dispute led to a long cessation[1]. In 1290 the King compelled the newly-elected Chancellor to appear in person, but the Bishop agreed that in future confirmation might be sued for by proxy if the Bishop were not within a reasonable distance of Oxford[2]. Under Sutton's successor the question was raised in 1300 at the confirmation of Cobham, afterwards Bishop of Worcester, and founder of the first University Library at Oxford. Bishop Dalderby asked the University's proctor why the Chancellor-elect did not appear in person, and objected to the terms of the University's letter, which described the choice of a Chancellor as an 'election,' whereas the Bishop held it to be a mere 'nomination.' The Bishop, however, eventually granted the commission 'of special favour,' without insisting on Cobham's personal appearance, on the ground that the Chancellor was a relation of the Archbishop of Canterbury[3].

Confirmation by the Archbishop.

The controversy smouldered till the year 1350, when Bishop Gynwell vexatiously delayed the Chancellor's confirmation. The University appealed to Archbishop Islip, who, upon the Bishop's refusing to obey his monition to proceed with it, himself issued a commission for the confirmation. An appeal to the Pope followed, which ended in a decision recognizing the Bishop's right to confirm in the first instance, but establishing the Archbishop's right to do so in default of the Bishop of Lincoln[4]. By this

[1] *Annales Monastici*, vol. IV. (Oseney), pp. 316–318; Capgrave, *Chron. of England* (ed. Hingeston, 1858), p. 168.

[2] *Annales Monastici*, vol. IV. (Oseney), p. 324; Rot. Parl. I. p. 16, where the Bishop pleads 'quod Commissio illa est de pura et libera voluntate sua.' Mr. Lyte (p. 127) appears to confound the settlement by the King of the dispute which arose in 1288 with the Parliamentary settlement of 1290. Cf. also Reg. Sutton, f. 117 (Twyne, XII. p. 7).

[3] Reg. Dalderby, f. 5 *b*, 6 (Twyne, II. p. 4; XII. p. 13).

[4] In the course of this dispute the Archbishop laid Banbury, where the Bishop was then residing (including his own Chapel), under an Interdict:

decision the confirmation was obviously reduced to a mere formality, and eventually seems to have disappeared in practice even before it was dispensed with by Papal authority in 1368[1]. The University had thrown off the Episcopal yoke. A good illustration of the independence which it now asserted occurs as early as 1322, when it arrogated to itself the right of deposing a Chancellor by its own authority[2].

Liberty and Wycliffism at Oxford.

It was during this period of academical liberty that Wycliffism grew up, and it can hardly be doubted that the Wycliffite movement was powerfully aided by the practical exemption of the University from direct episcopal control[3]. We are not concerned here with the history of Wycliffism as a religious movement; but it falls strictly within the limits of our subject to notice the extent to which the alienation of the University from the dominant ecclesiastical

whereupon the latter claimed a Papal exemption from all obedience to the See of Canterbury. This privilege, alleged to have been granted by Clement VI (Wilkins, *Concilia*, II. 751) through inadvertence, was revoked by Innocent VI in 1353 (Wilkins, III. p. 29). The other documents are printed in *Mun. Acad.* p. 168, and more fully by Wilkins, *Concilia*, III. pp. 3–9: also Lambeth Reg. Islip, 20 *a*, 27 *a*-28 *b*, 35 *a*; Linc. Reg. Gynwell, f. 21. The Archbishop claimed that the Confirmation had 'devolved' 'ad audientiam suam propter negligentiam dicti domini Episcopi,' the Bishop replying that it was 'extra casum et causas appellacionis et negligentie cuiuscumque,' and the further citation of the Bishop was 'tam directe quam tutorie.'

[1] Wilkins, *Concilia* III. 75. Yet in 1369 Bp. Buckingham directs the Archdeacon of Oxford's Official to cite Adam Tonesworth for acting without confirmation (Reg. f. 70), but this is the last trace of the confirmation being insisted on which I have found in the Lincoln Registers. The Bull of Urban V in 1368 dispensing with confirmation, does not appear to have been inserted in the Lincoln Register till the time of Bishop Repingdon (f. 15).

[2] *Mun. Acad.* p. 107. We have seen that the Bishop had begun to complain of the exercise of spiritual power during a vacancy in the Chancellorship, which suggests that the custom was already establishing itself by which the senior D.D. acted as *Cancellarius natus* during a vacancy.

[3] The proceedings against Wycliffe in his lifetime were taken under special Apostolic authority. By Rot. Pat. 6 Ric. II, pt. i. m. 32 (1382 A. D.) the Chancellor and Proctors are appointed 'ad inquisitionem generalem' [sc. 'heretice pravitatis'] 'assistentibus vobis omnibus Theologis universitatis predicte regentibus' (Twyne, VII. p. 43); but, as will be seen, they did not take kindly to the office.

CHAP. XII, § 4. system was at this time carried, and the boldness with which the University as a corporation ventured on resistance to ecclesiastical authority. In 1377 Wycliffe's doctrines had been condemned by the Pope, in 1382 by the so-called Earthquake Council, and by the Archbishop and his assessors—Bishops, Doctors of Law, and Friar-theologians—at the Blackfriars' Chapter-house in London[1]. Among the doctrines condemned on the last occasion it is sufficient to notice the explicit denial of Transubstantiation and of the medieval doctrine of the Sacrifice of the Mass, the very foundations of the wealth and power of the medieval priesthood, and perhaps the still more alarming assertion that the State might lawfully take away their property from 'habitually delinquent' clergy. There was no period in the history of the University of Paris at which such a manifesto would have attracted the smallest sympathy. At Oxford the utmost efforts of Pope and Archbishop could not prevent an open resistance on the part of a considerable and respectable body of attached adherents[2]. It was apparently in the summer of 1381 that Wycliffe's anti-sacramental theses were publicly maintained: yet on Ascension Day, 1382, his former disciple, Nicolas Hereford, made a violent attack on the Mendicants in a sermon preached in the Churchyard of S. Frideswyde's before the University, boldly asserted his sympathy with Wycliffe, and in his Bidding Prayer omitted the name of the Pope. It was known that Hereford's sermon and his open defence of Wycliffe on other occasions had given offence in high places; yet its author was allowed without opposition to

[1] See the documents in Lewis, *Life of Wiclif* (Oxford, 1830), p. 356 *sq.*; Walsingham, *Hist. Angl.* II. (1864), p. 57 *sq.*; *Fasciculi Zizaniorum* (ed. Shirley, London, 1858), pp. 105 *sq.*, 275 *sq.*

[2] It was with good reason that Walsingham exclaimed when the University hesitated to enforce the Pope's Bull against Wycliffe in 1377 (Wilkins, III. 116), 'Oxoniense studium Generale! quam gravi lapsu a sapientiæ et scientiæ culmine decidisti! quod quondam inextricabilia atque dubia toti mundo declarare consuesti, jam ignorantiæ nubilo obfuscatum dubitare non vereris, quæ quemlibet e laicis Christianis dubitare non decet.' *Hist. Angl.* I. p. 345.

proceed as a Doctor of Divinity, and on Corpus Christi of the same year was again appointed to preach before the University by the Chancellor, Robert Rugge. Before the Festival arrived, a mandate from the Archbishop of Canterbury was served upon that official, directing him to publish the condemnation of Wycliffe's theses in the usual way by sending the Bedel of Theology round the University Schools. The Chancellor, alleging (it is difficult to say on what grounds) the exemption of the University from Metropolitical jurisdiction, flatly refused to comply with the injunction. At Corpus Christi the long-expected sermon was delivered, and the preacher boldly defended the orthodoxy of Wycliffe's doctrine of the Eucharist (about the nature of which there could in Oxford be not the smallest doubt) as the true doctrine of the Universal Church. As the Chancellor retired in state from S. Frideswyde's, followed by the whole concourse of Doctors and Masters, he made a point of waiting for the preacher at the Church door, and walked home with him 'laughing, and great joy came upon the Lollards at such a sermon[1].'

The Chancellor's Apology.

The Chancellor was subsequently forced to beg pardon of the Archbishop on his knees[2]. It is pleasant to notice that he received it on the intercession of the wisest and most moderate leader of the prelatic party, the aged statesman William of Wykeham. At the same time the Chancellor professed that he dared not, for terror of his life, publish the condemnation of Wycliffe in Oxford. 'Then is Oxford,' exclaimed Courtenay, himself once Chancellor of Oxford, 'the University of heresies, if she will not allow orthodox truths to be published.' And the Archbishop spoke no more than the truth[3].

It was not till a full generation after Wycliffe's death that the subjugation of the University to the ecclesiastical yoke was really effected, or that Wycliffism, notwithstanding

[1] Walsingham, *Hist. Angl.* II. 189; *Fasc. Zizan.* pp. 395–301. The first sermon is preserved in Bodley MS. No. 240. Cf. T. Arnold in *Academy*, No. 526, p. 397. In 1398 the Archbishop attempted to visit Gloucester College, not (as Mr. Lyte assumes, p. 291) the University.

[2] *Fasc. Zizan.* p. 308.

[3] *Ib.* p. 311.

CHAP. XII, § 4. the recantation of its most prominent leaders, ceased to command a large amount of scarcely veiled sympathy in Oxford. Archbishop Courtenay, indeed, who imagined that he had succeeded in completely purging the University of heresy, even aided it in procuring its culminating privilege. In 1395 Boniface IX[1] granted a Bull exempting the University from the jurisdiction of all Archbishops, even *legati nati*, Bishops, and Ordinaries. Even exempt persons, such as the Mendicants and Monks of exempt Monasteries, and exempt cases, such as assaults on clerks, which continually sent the clerks of Paris to seek absolution from special Papal delegates, were now expressly placed under the jurisdiction of that most anomalous of dignitaries, the Chancellor of Oxford. It is not surprising to learn that the conservative instincts of the Faculty of Law, as well as the Ultramontane sympathies of the Regulars, had led them to oppose the University's petition for the Bull[2].

Bull of Exemption, 1395.

Wycliffism. As a matter of fact, however, the University had no sooner entered upon its greatest theoretical independence than the period of its greatest practical enslavement began. In another chapter we shall have to observe how the practical freedom of which Oxford had enjoyed so large a measure—freedom from Papal legates and heresy-hunting Bishops and Dominican Inquisitors—culminated in a great outburst of free religious thought, of thought free and also fruitful, of religious activity founded upon and springing out of free speculation. The University had, as it were, burst the ecclesiastical shell within which the germinal principle

[1] Wood clearly shows (I. p. 365) that the Bull must have been granted by Boniface IX (though at times he appears unconvinced by his own reasoning): in spite of which Mr. Anstey (p. 78) still ascribes it to Boniface VIII and the year 1300. The provision as to assaults on clerks may be an illustration of the Roman policy of granting privileges to authorize acts which they could not prevent. Assaults on clerks were by Canon Law *casus Papales*; yet it appears that Bishop Dalderby had authorized the Chancellor to absolve in such cases for assaults committed in Oxford: assailants of clerks in the suburbs were to go for absolution to the Sacrist of Oseney. Linc. Reg. Dalderby, f. 391 *b* (Twyne, II. f. 15). There is no trace of any Papal authorization.

[2] Cotton MSS. (British Museum), Faustina C. VII. f. 164.

of the institution had long been confined. The ecclesiastical world felt that this spoiled and now rebellious daughter of the Church must be put back into the leading-strings to which her elder sister, the University of Paris, had long grown accustomed. I shall have hereafter to dwell more at length upon the higher aspects of this crisis in the history of Oxford. At present we must confine ourselves to its relation to the privileges of the University. Throughout the struggle the dominant party among the Seculars was for Wycliffe; but the hand of the University was forced by the Bishops and the King. The zeal of the English Court and prelates against heresy was greater than their respect for the letter of the Papal privilege. The Bull of exemption had been procured (as we have seen) by the aid of Courtenay, the ex-Chancellor of Oxford. A year later he was succeeded by Arundel, a much more vigorous opponent of Lollardism than his predecessor. At the Convocation of 1396[1] there appeared two bodies of petitioners from the University of Oxford—one from the Faculty of Law to urge certain grievances against the other Faculties, and another from the orthodox minority of the University to complain of the continued teaching of Wycliffism in its Schools. The proctor for the University also appeared and put in a copy of the Papal Bull[2] in bar of the Archbishop's jurisdiction. In spite of the Bull, however, the Archbishop, pretending to doubt its authenticity, announced that he would, after the Convocation, take measures for the redress of the alleged grievances, and compelled the proctor to renounce the privilege there and then in his presence. It

Privileges renounced in Convocation of 1396.

[1] Wilkins, *Concilia*, III. 227 *sq.* Even before the death of Courtenay, in Nov. 1395, the University had been compelled to submit absolutely to the King. Rot. Claus. 19 Ric. II, m. 20 *dorso* (Twyne, VII. p. 67).

[2] 'Quandam schedulam privatam in manibus suis tenens, nullatenus bulla apostolica, sigillove auctentico, aut cuiuscunque notarii publici signo, subscriptioneve munitam.' It was, however, notorious that the Bull had been really granted; it is afterwards alleged that certain Masters and Bachelors of Arts 'quoddam absurdum exemptionis privilegium, nomine totius dictæ universitatis . . . a Romana curia iam tarde subdole impetrarunt.' The Archbishop is styled (in the official record of the Convocation) 'dictæ universitatis ordinarius superior immediatus.'

CHAP. XII, § 4.

is remarkable how light orthodox ecclesiastics will make of ecclesiastical authority when the supposed interests of orthodoxy are at stake.

Measures against Lollardism.

The University was not likely to consider itself bound by a renunciation made behind its back by a proctor not specially commissioned for the purpose. Accordingly the Archbishop procured a Royal writ peremptorily requiring the University to renounce its 'unwonted and unheard of exemption,' and another declaring the right of Visitation to belong solely to the Archbishop of Canterbury[1]. A political impeachment for the present put a check upon the Archbishop's proceedings, and the Oxford Masters were left undisturbed for some years. At length in 1408 a Synod was held in Oxford, and in the ensuing Convocation of Canterbury a number of constitutions were issued against the teaching of Wycliffism in the Schools or elsewhere[2], and directing a monthly inquisition into the orthodoxy of the scholars in each College or Hall by the Head or Principal. These constitutions for the first time introduced a censorship of the press, or rather of the pen, into the University. No book written in the time of John Wycliffe was to be lectured upon till it had been licensed both by the University or its delegates and by the Archbishop, and the stationers were forbidden to copy and sell books not so licensed. On this occasion no open resistance was offered by the University, though it is likely enough that the constitution remained very much of a dead letter[3]. In 1409, however, the Convocation of Canterbury called upon the University itself to condemn the heresies of Wycliffe. But when the proposal to appoint delegates for the purpose came before the Great Congregation, it was rejected by a majority of the Faculties.

Opposition of University.

Even after the twelve delegates were appointed (not before 1410), John Byrche submitted a resolution to a Great

[1] Rot. Pat. 20 Ric. II, pt. 3. mm. 32, 9 (Hare, *Mem.* f. 93 *b*).

[2] Wilkins, III. 314-319.

[3] It appears that the Constitutions in Wilkins III. p. 314 were published both at Oxford and in the Convocation at S. Paul's: the exact date seems to be uncertain.

Congregation rescinding the appointment and suspending all further proceedings against the heretics. As Proctor, the same John Byrche declared the motion carried. The Chancellor hastily dissolved the Congregation: and was afterwards forced into resignation. But the Proctors called a Congregation of Regents at which they appointed a number of 'sufficiently suspected' persons as the judges of heresy. Eventually even this 'suspected' board were compelled to condemn the incriminated Articles or some of them; and the 267 propositions were duly burnt at Carfax [1].

Archbishop Arundel's attempted Visitation, 1411.

It is evident, however, that a majority of the University really sympathized with Lollardism, or at least cared more for their academical privileges than for the suppression of heresy; and in 1411 the Archbishop, in spite of the Papal exemption, cited the University to appear before him as Visitor in S. Mary's. This brought matters to a head. The Chancellor, Richard Courtenay, and the Proctors,

[1] The chief authority for these transactions is Cotton MS. Faustina, C. VII. f. 135 (described by Wood as a fragment of a Register: if so it must be largely interspersed with Lollard comments) and the record of the Archbishop's Visitation in the Oriel Coll. Treasury. See also Wilkins, *Concilia*, III. pp. 322–330; Reg. Arundel, pt. II. ff. 126, 127 (Twyne MSS. XXIV. p. 122). It is impossible to pretend to chronological exactness in reproducing the events of this troubled year. Wilkins (III. p. 339) places the actual condemnation of the Articles in 1412. At the Convocation which began Dec. 2, 1411 there are still complaints of the rampant heresy of Oxford and the imprisonment of those who appealed to the Holy See, which makes it probable that the condemnation had not already taken place. A passage in the report of this Convocation, bearing on the celebrated testimonial alleged to have been given by the University in this year in favour of Wycliffe and produced in defence of Hus at Prague, seems to have escaped observation: 'Quasdam etiam literas falsitatis, testimonium perhibentes in defensionem brigarum, hæresium, et errorum, sigillo communi universitatis, inconsultis magistris et doctoribus, clam sigillant, ad regna et loca extranea transmittunt' (Wilkins, III. p. 336). The persons referred to are the 'gerentes officia' of the University: this seems to make it certain that the testimonial was actually sealed with the real University seal by the University officials whether regularly or irregularly. As it was customary for the Regents to grant themselves a general leave to have what testimonials they required passed under the University seal (Register Aa, *passim*), the testimonial was even less than most testimonials an indication of the deliberate opinion of the testimonialists.

CHAP XII, § 4. Gallant resistance of Proctors.

Benedict Brent and John Byrche (their names deserve to be recorded) positively refused to allow the Archbishop to enter Oxford as Visitor; S. Mary's was fortified against him. The scholars appeared in the streets armed with bows and arrows, and showed themselves quite prepared to use them against the Primate and his retinue should the attempt be persisted in. When the town was laid under an Interdict, John Byrche broke open the doors of S. Mary's and said Mass as usual[1]. Eventually the Archbishop judged it prudent to beat a retreat, after arriving at an understanding that the matter should be referred to the King. To the King accordingly the Archbishop wrote to explain 'with what insolency he had been received by a company of boys.' The King's wrath fell heavily on the Masters. The Chancellor and Proctors were sent for to London and required to resign their offices into the King's hands. The University decreed a Cessation, and an animated correspondence followed between the King and the University. When required to elect a new Chancellor and Proctors, the Masters had the spirit to re-elect the old ones: and, by the mediation of Henry, Prince of Wales, these champions of privilege were at last allowed to retain their offices[2]. Meanwhile measures were taken to deprive the University of what had hitherto been their unquestionable plea of legality. The Bull of Boniface IX was revoked by John XXIII, in November, 1411; in the same month

[1] Lambeth Register (Arundel, f. 91 *b*); Capgrave, *Chron. of England* (ed. Hingeston), p. 299. It is charged against two fellows of Oriel that they 'fuerunt consentientes . . . castellationi ecclesie beate Virginis contra suum pastorem Archiepiscopum visitantem et stante interdicto,' &c. Oriel Register.

[2] Cotton, MS. Faustina, C. VII f. 137 *sq.* (Twyne, II. fol. 205 *sq.*) Cf also Wood, *Fasti* (in Annals), p. 39. The statement in Wood that the young men who had resisted the Archbishop 'were as truants corrected by the rod and ferula' (followed by Lyte, pp. 294–5) appears to be founded upon a misunderstanding of the King's letter. The University had pleaded that the disturbers of the peace 'subeuntur virgis et ferulis,' i. e. were mere boys; whereupon the Archbishop recommends that 'trutannos tales quoscumque virgis acrioribus et ferulis subdendos esse': but it does not appear that the suggestion was or was meant to be literally complied

the University submitted itself unreservedly to the Archbishop[1], and in the Parliament held at the close of the year the Archbishop's right of Visitation was solemnly asserted[2]. This constitutional struggle had been, it should be added, merely the formal side of a contest the real object of which was the suppression of Lollardy—in other words, the suppression of free speech and thought — in the schools and pulpits of Oxford. The issue of the struggle practically closes the history of Lollardism as a recognized force in English politics, and with it the intellectual history of medieval Oxford. CHAP. XII, § 4.

Mixed motives of opposition.

We must not, indeed, suppose that all the scholars or all the Masters who took part in the resistance to the Archbishop were moved by pure zeal either for freedom of speculation or for evangelical truth. On the side of Wycliffe were enlisted not only the religious zeal of the Lollard, but the local patriotism of the North-countryman, the chronic antipathy of the secular scholar to the Friars, the antipathy of the Realist to the Nominalist, the antipathy of the Artist to the higher Faculties, and also the academic pride of loyal Oxonians. Attachment to corporate privilege and tradition amounted in the Middle Ages to a passion which can hardly be understood in modern times, except, indeed, from the experience of life in an English Public School. And, if any reliance whatever is to be placed upon the statements contained in the record of the Archbishop's Visitation at Oriel, a good deal of pure ruffianism must have been called in to the support of what might possibly be called the Protestant party. Three Fellows of Oriel who were accused of being aiders and abettors of John Byrche (himself an Oriel man) are further charged with habitual night-walking (*noctivagio*), spending their days and nights in taverns, breaking into College at unreasonable hours, introducing armed men within its walls, knocking up the Provost at 10 p.m., calling him

Eccentric Fellows of Oriel.

with. Cf. *Correspondence of Bekynton*, ed. Williams, I. p. 278.

[1] Reg. Arundel, pt. 2. f. 90 *sq.* (Twyne, VII. f. 59; XXIV. p. 121).

[2] Rot. Parl. III. p. 651: Griffiths, *Enactments*, p. 1 *sq.*: *Mun. Acad.* p. 251,

CHAP. XII, § 4.

a liar and challenging him to fight[1], and finally with taking part in a great onslaught upon the Chancellor's house on the vigil of S. Peter, in which a scholar of Law was killed. On another occasion also one of the accused Fellows had collected an 'army of night-walkers' and headed a riot in which many were slain.

State of the University in 1411.

The reader must judge for himself as to the exact amount of credence to be attached to such accusations. It is certain that charges of personal immorality are generally forthcoming when orthodoxy demands that the character of a heretic shall be blackened. On the other hand it is equally clear that during some months of the year 1411 Oxford was a scene of the wildest disorder: and clerks of the character indicated by these accusations were no doubt to be found among the Archbishop's assailants. From the record in the Oriel Treasury we gather that the Visitation was eventually carried out by the Archbishop's Commissary. Some at least of the Colleges were visited individually. Obstinate Lollards were deprived of their Fellowships; the rest were compelled individually to abjure the condemned propositions.

The University crushed. Visitation by Bishop Repingdon.

So utterly crushed was the spirit of the once proud University that in 141$\frac{3}{4}$ it seems tamely to have submitted to a Visitation *quoad hæreticam pravitatem* by its Diocesan, Bishop Repingdon, though the Papal Bull established the authority of the Archbishop only[2]. The ardent

[1] 'Vocando ipsum falsum dicendo quod mentiebatur in caput ejus, indicans eum ut surgeret et exiret ad pugnandum secum.' (Doc. at Oriel.) I have combined in the above paragraph charges some of which were only made against one or two of the Fellows.

[2] Linc. Reg. Repingdon, f. 136 (Twyne, II. f. 13 *sq.*). It is not certain that the Visitation was actually held, but the University submitted so far as to despatch to the Bishop a list of resident graduates. Besides the Chancellor and Proctors, there were nine Doctors of Theology (only three seculars), one of Decrees, four D.C.L.'s, one M.D., ten B.D.'s, twelve Regent M.A.'s, eighteen Non-regents, four Bachelors of Law. The numbers testify to the depletion of the University, but it is likely that the list is incomplete, since but six M.A.'s are mentioned as Fellows of Colleges: there must certainly have been more. Possibly the Visitation took place in Vacation. In 1458 the University refuses to accept the Bishop of Lincoln, who had been appointed arbitrator by the

spirits among the Masters were either intimidated or bribed into submission, though an under-current of Lollardism may have flowed on to the very eve of the Reformation. So submissive had the University become to ecclesiastical tutelage that in 1479 she was allowed to obtain a Bull from Sixtus IV, legally restoring her proud exemption from all English ecclesiastical authority[1]. In 1490 the office of Chancellor received its last accession of dignity, the privilege of licensing (with the Theological Faculty) preachers to preach in every diocese in England—a privilege which, though obsolete, the University still retains—and that of conferring minor orders[2].

The Exemption restored, 1479.

Anomalous as was the spiritual jurisdiction wielded by the Chancellor, still more extraordinary was the appellate tribunal of the University. The system of appeal from the Rector's Court first to the Faculty of Arts and then to the whole University, which was in force at Paris, was copied at Oxford in complete disregard of the entirely different origin and character of the two tribunals. The appeal was first from the Hebdomadarius, i.e. the Bachelor of Law appointed every week to hear minor cases[3] (if the hearing had been before him), to the Chancellor in person or his Commissary, then to the Congregation of Regents, finally to the Great Congregation[4]. The appeals were heard then as in modern times by delegates of the two Assemblies;

Anomalous Appeal to Congregation.

King, on the ground that to do so would involve an infringement of its liberties. Archives, AA. f. 115 *a* (Twyne, VII. f. 130 *b*).

[1] Printed by Wood, I. p. 632. It also gives the Chancellor the power of absolving for perjury, which, however, he had probably exercised without Papal authorization. The University had before this resumed its old independent attitude. In 1461 it imprisoned four Bachelors of Law for serving an Inhibition from the Arches Court. Archives, Aaa. f. 183.

[2] MS. Letter-book F. f. 164 *b*, 165 *a*; Wood, I. 648.

[3] *Mun. Acad.* p. 735 *sq.* These appeals have just been abolished. See below, App. XXXII.

[4] *Mun. Acad.* p. 69 *sq.* The system seems to be sanctioned by Abp. Winchelsey in 1295, since he directs the enforcement of sentences 'per Cancellarium Universitatis ejusdem una cum tota universitate' whether of Regents or Regents and Non-regents (Lambeth Reg. Winchelsey, f. 171 *b*). The mode of expression seems to indicate that it was felt to be necessary that even the sentences reversing his own judgments should somehow emanate from the Chancellor's authority.

CHAP. XII, § 4. the necessity for the representation of all Faculties on the board of 'delegates of appeals in Convocation' marks the antiquity of an institution which has only just disappeared from our midst. A system of fines, increasing with the wealth of the appellant and the number of courts through which the appeal was carried, had to be devised to check the tendency to a frivolous prolongation of litigation. The appellate procedure was exactly the same in spiritual as in criminal and civil causes. And thus it happened that the decision of the most purely spiritual causes—subject indeed, where the King thought fit to permit, to Papal revision—in the case of Priests or even Bishops who might be studying in Oxford, belonged to a co-opting popular assembly, many of whose members, though not in the medieval sense laymen, were not in orders at all. And this jurisdiction, though ultimately sanctioned by Papal authority, was in the first instance acquired simply by usurpation, based as we have seen on nothing but a false analogy.

Surviving Anomalies.

The mere accident that the Chancellor's deputy has usually been in Priest's orders disguises the singular fact that since the Reformation a spiritual jurisdiction as complete as that exercised by their medieval predecessors has been vested in the lay Chancellors of Oxford and Cambridge and in Assemblies of their lay graduates. Up till a recent period the representative of the lay Chancellor of Cambridge was in the habit of solemnly absolving from the guilt of perjury and restoring to the sacraments of the Church persons who had committed unavoidable breaches of the Statutes to which they had sworn obedience[1]. There is a touch of historic irony in the fact that the leader of a party whose members have gone to prison rather than disuse a vestment in obedience to a lay tribunal should

[1] The formula ran as follows: 'Authoritate nobis commissa' (? by Pope Martin V, or by the Sovereign), 'nos absolvimus vos ab omni levi negligentia, forisfactione seu transgressione statutorum privilegiorum et consuetudinum et Deo et sacramentis ecclesiæ vos restituimus. In nomine Patris et Filii et Spiritus Sancti. Amen.' (Peacock, *Observations on the Statutes*, p. 17).

have acknowledged the spiritual validity of the censures of a Court which derived its authority from a lay Chancellor by citing his opponent before it on a charge of heresy—an authority whose ultimate source must be supposed to be either the Roman Bishop or the English Sovereign [1].

The Chancellorship becomes permanent.

An important change in the character of the Chancellor's office, which began in the fifteenth century, now demands a moment's attention. The election to the Chancellorship was originally biennial [2], and the Chancellor was of course—as has been implied throughout—the resident Head of the University. In the fourteenth century, however, re-election was not infrequent, and, in the one instance of a Chancellor called directly from the University to hold the Great Seal of England, he was invited to retain his University office as a non-resident [3]. In the course of the fifteenth century the Chancellors at both Universities gradually became practically permanent and habitually non-resident. In this way Russell, Bishop of Lincoln (1484), succeeded as Chancellor in getting into his hands that control over Oxford which his predecessors had struggled in vain to retain in right of their See. The change in the position of the Chancellor was however no mere accident. In spite of formal Papal exemptions, the Universities were more and more passing under the control of a Court at once more despotic and more ecclesiastically minded, and of a hierarchy more courtly, than of old. It became a matter of importance to the University to have a protector at Court and for the Court to have a trusted agent for the coercion of the University. From this time the Chancellorship — once the symbol and the organ of academic autonomy—became practically the instrument of its subjection to an autocratic Court and an Erastian prelacy [4]. It may be added that at

[1] In the case of Pusey and others *v.* Jowett, 1863.

[2] *Mun. Acad.* p. 107.

[3] Robert de Stratford, who became Bishop of Chichester and Lord Chancellor in 1337.

[4] Yet as late as 149⅓ the University had the independence to elect Morton in preference to either of the two Bishops suggested by the Crown. *Letter-book*, F. 176 *sq.* (The King's letter may have arrived too late, but the University had been ordered to await the royal pleasure.)

CHAP. XII, § 5. the present day the Chancellorship has passed into a merely honorary office; but at Oxford the Chancellor still appoints the Vice-Chancellor, though pledged by usage to appoint the Heads of Houses in order of seniority. It is a singular fact that this right in its present form is due to a very recent usurpation[1]. The Duke of Wellington was the first Chancellor who dispensed with the formality of asking confirmation of his nominee by Convocation. It is to be regretted that the University should so tamely have submitted to so gross an infraction of her ancient liberties.

Tame submission of the University.

§ 5. THE STUDIES OF OXFORD.

Comparison with Paris.

The system of study and graduation pursued at Oxford is so largely formed on the Parisian model that it will be unnecessary to do more than notice the few points upon which they differ. We are unable at Oxford to trace the gradual growth or modification of the educational curriculum even with that approach to completeness which has been possible in the case of Paris. Most of what follows must be taken to represent the system in vogue in the fifteenth century. If the records of both Universities had come down to us in greater fulness, some of the points of apparent difference, small as they are, would possibly disappear: as it is, our knowledge only becomes ample at a period when the intercourse between them was much less frequent and intimate than was the case in the thirteenth century. Still, where no difference is noticed, it may be taken that so far as our knowledge goes the system was alike in the two Universities as regards their main outlines: details—the exact number of disputations required for a degree, the period at which they were performed, and so on—were of course frequently changed even in the same University.

[1] A division was taken on the appointment of Dr. Symons, Warden of Wadham, in 1844. In 1845 a division was challenged, but the Vice-Chancellor took no notice of the opposition. The consent of Convocation is still asked for, but no 'placetne vobis' follows. The nineteenth century has thus revived the arbitrary practice introduced by the Earl of Leicester, Chancellor in 1569. Cox, *Recollections*, pp. 339, 340, 351.

It would have been an almost hopeless task to give a perfectly accurate account of them as they existed at any given moment in the course of our period.

Determination at Oxford and Paris.

It is a striking illustration of the rapidity with which every development of the Parisian system reproduced itself in Oxford that a few years after the Statute making the Lenten Determination compulsory at Paris we find a Statute regulating Determination at Oxford, and treating the exercise as an habitual part of the Arts' student's course[1]. The same Statute—belonging to the very year in which 'Responsions' are first mentioned at Paris—assumes the existence of a preliminary *Responsio de quæstione* in the preceding summer[2]. The nature of these exercises appears to have been precisely the same in the two Universities.

Responsions.

Points of contrast:

In connexion, however, with the Bachelor's degree, we encounter the first of the points of contrast which we have to notice:—

Chancellor confers Bachelor's degree.

(1) We have seen that the Parisian Chancellor had nothing to do with Determination or with the Bachelor's degree. At Oxford the Chancellor was the head of the University proper, as well as the Bishop's delegate—in fact (for many purposes) the Parisian Rector and the Parisian Chancellor in one[3]. Accordingly, at Oxford, it was the Chancellor who conferred the Licence to 'lecture on any book of the Faculty of Arts,' after which a student was in practice called Bachelor, though he was not considered to have fully taken the degree till his Determination in the following Lent[4].

[1] *Mun. Acad.* p. 34 *sq.* This 'Ordinance' is made by the 'Masters and Bachelors.'

[2] Afterwards, apparently, the time was extended to Christmas (or a fortnight after), as at Paris. *Ib.* p. 242.

[3] A minor point of difference is that the Proctors, here the Executive of the whole University, took part in the graduation ceremonies of all Faculties, their chief business being to administer the oaths.

[4] Sometimes, but not always, in the fifteenth-century Register (Aa) he is admitted on condition of determining next Lent. At Cambridge the Vice-Chancellor after the Determinations or 'Second Tripos' pronounced: 'Authoritate qua fungimur, decernimus, creamus, et pronunciamus omnes hujus anni deter-

CHAP. XII, § 5.

No literary Examination for Mastership.

(2) The word 'Examination' had even at Paris a wider sense than it bears in modern times. It included any process of enquiry into the candidate's fitness, as well as a direct testing of his scholastic attainments. We have seen, however, that at Paris there was always an Examination in the modern sense by the Chancellor and the Faculty or Examiners selected therefrom. If in the superior Faculties this Examination was reduced to a mere formality, that was not the case in the Faculty of Arts, and in all cases there were real Examinations at earlier stages of the candidate's career. At Oxford it is a curious fact that we have no express evidence of the existence of Examination in the literary sense of the word. For the Inception or Licence the Statutes are silent about the existence of any Examination whatever. When a candidate presented himself before the Chancellor for the Licence in Arts, he had to swear that he had heard certain books, and nine Regent Masters (besides 'his own' Master who presented him) were required to testify or 'depose' to their 'knowledge' of his sufficiency (*de scientia*), and five others to their 'belief' therein (*de credulitate*)[1]. In the Faculty of Theology all the Masters were required to depose *de scientia*, a single adverse vote being fatal to the degree[2]. Whether the Masters had any other means of judging of the candidate's knowledge and capacity than had been afforded by his performances in the various disputations required for the degree[3], cannot be pronounced with certainty[4]. In the

minatores finaliter determinasse, et *actualiter esse in Artibus Baccalaureos*.' Gunning, *Ceremonies of the University of Cambridge*. Cambridge, 1828.

[1] *Mun. Acad.* p. 424.

[2] *Ib.* pp. 378, 379.

[3] At Cambridge we are told that 'All the Determiners do sit in the new Chapell within the Schools from one o'clock till five upon Munday, Tuesday, Wednesday, and Thursday in the week before Shrove Sunday, abiding the examination of so many Mrs. as will repair for that cause hither. And from three to four all they have a potation of Figgs, Resons, and Almonds, Bunns and Bear, at the charge of the said Determiners, . . . and upon Thursday they be only examined in song and writing' (Harl. MS. 7037, p. 103, quoted by Abdy Williams, *Hist. Account of Degrees in Music*, p. 62a), — a survival which may suggest the kind of informal Examination which may have taken place in the Middle Ages.

[4] Every Bachelor had to dispute a

superior Faculties they undoubtedly had not. In the Faculty of Arts there seems an *a priori* improbability in supposing Oxford and Cambridge to have been in this particular totally unlike all other known Universities. Yet it is practically certain that there can have been no regular Board of Examiners or Temptators such as existed everywhere else, who formally examined the candidate in the subject-matter of his books. Had such Examiners existed, we must have met with some trace of their appointment in the Statutes or Registers: moreover, their existence would have made the interposition of the nine deposing Masters (selected by the candidate) superfluous and unintelligible. We can only suppose that each Master who was asked by the candidate to depose to his attainments was at liberty to subject him, whether in private or in conjunction with other deposing Masters, to such Examination in his books as he thought fit[1]. This supposition is borne out by the way in which the Examination is spoken of in the solitary allusion to any such institution which has come down to us, though the latitude with which the term was used must not be forgotten. William Wheteley, the Stamford Master, in his commentary on the pseudo-Boethian *De disciplina Scholarium* says that a candidate is to go from school to school 'before exposing himself to the Examination of the Masters by whose grace and favour he is to be crowned, that is, to incept and be licensed[2],' and to 'oppose' in each of them.

certain number of times with a Master of Arts at the Augustinian Convent, a disputation which, reduced to a formality, was kept up till within living memory under the name of 'doing Austins' (*Mun. Acad.* p. 313). The editor, Mr. Anstey, absurdly translates 'apud Augustinenses' by 'before the Austins.' For the superior Faculties the candidate had to dispute with every Master (*ib.* pp. 396, 399, 407). Cf. above, p. 381.

[1] For a somewhat similar mode of examining for Oxford scholarships, see Hole's *Life of Adn. Phelps* (London, 1871), p. 51 *sq.*

[2] 'De scola unius magistri ad scolas alterius magistri. Antequam incipiat vel se examinationi magistrorum exponat *quorum gratia et fauore ipse est coronandus*, i.e. quorum magistrorum gratia ipse incepturus et licentiandus.' (MS. No. 28 in Exeter College Library.) It further appears that 'magistri examinantes scolares qui debent licentiari in artibus debent eos examinare in moribus sicut in scientiis,' which

CHAP. XII, § 5.

Examination for B.A. doubtful.

As to the admission of Bachelors, four Masters (as at Paris) were undoubtedly appointed to conduct the admission of Bachelors to Determination: but it is uncertain whether they supplemented their enquiries into a candidate's attendance at Lectures and so on by questions on the subject-matter of the books taken up. There is no positive evidence that they did; on the other hand, it appears that, just as before the Licence the 'deposition' of nine Masters was necessary, so at Determination nine (afterwards reduced to six) Masters or Bachelors who had already determined, had to depose to the sufficiency of the candidate's attainments[1]. The existence of this 'deposition' may by itself perhaps be held to supply a presumption that there was no literary Examination by the admitting Masters. On the other hand, due weight must be allowed to the intrinsic improbability of the total absence in 'the second School of the Church' of Examinations such as certainly existed everywhere outside England.

Determining for others.

(3) We get at Oxford a distinction between determining 'for oneself' and determining 'for others,' which demands a brief explanation. Previous writers have seen in the latter phrase a permission to perform the exercise by deputy. But, though it is not easy precisely to explain the nature of the arrangement, it is abundantly clear that it was the pecuniary expense attendant upon graduation, and not the duty of disputation itself, that was vicariously discharged. This is placed beyond the reach of doubt by the University Register, from which it appears that the only candidates who determined for others were rich and well-born students. Had it been the intellectual part of the performance that was transferable, the poor would have been more likely to determine for the rich than *vice versa*. When a Neville, or an Audley, or a Courtenay determined, he was allowed to

shows that the Examination was not *purely* literary, and suggests that the term *may* imply merely the conference among the Masters in Congregation as to whether his grace should pass (see above, vol. I. p. 461 *sq.*), but the view I have taken seems to me most probable.

[1] In 1267 it is simply 'Magistri vel Bachilarii' (*Mun. Acad.* p. 35); in 1408 six Masters or three Masters and three Inceptors.

'take under him' a certain number of poor Bachelors, whose expenses he paid [1], while the banquet which he gave on the occasion was no doubt on a scale which was considered to do duty for the whole party. CHAP. XII, § 5.

(4) It is exceedingly important to notice that only the Regent Masters of the Faculty had any share in advising the Chancellor as to the fitness of a candidate for the License [2]. Similarly, in the actual admission to the Mastership—the Inception—none but the Regents of the Faculty took part except the Chancellor and the Proctors, who attended in the name of the University to take the oath imposed by the University on Inceptors in all Faculties [3]. But the actual ceremony of Inception—the tradition of the book and the ring, and the imposition of the *biretta* with the kiss of fellowship—was performed, as at Paris, not by the Chancellor, but by a Regent of the Faculty. Even as late as the seventeenth century this ceremony was kept up at the annual Act. The Regius Professors of Theology, Civil Law, and Medicine conducted the Inception in their respective Faculties: while in the Faculty of Arts it was performed by the Senior Proctor, the ancient Head and representative of that Faculty [4]. At Cambridge some at least of the ancient ceremonial of Creation was kept up till fifty or sixty years ago [5]. Inception reserved to the Faculties.

On no point is the modern constitution of Oxford so misleading as in this matter of the 'conferment of degrees.' Modern constitution misleading.

[1] 'Quod possit ... pro aliis determinare ita quod possit acceptare sub se tot inceptores quot sibi placuerit, dummodo formam et cetera pertinentia ad gradum compleuerint.' Register Aa. f. 80 *b*. Cf. ff. 94 *a*. Again, 'accipere sub se certum numerum ipsorum qui tenentur ex statuto dare liberatam et conuiuare regentes'; *ib.* f. 103. Cf. *Reg.*, ed. Boase, I. p. ix. The above explanation is confirmed by the position of the 'Sub-determiner' at Paris.

[2] Under certain circumstances Civilians might 'depose' for Canonists and *vice versa*. *Mun. Acad.* p. 425.

[3] 'Item, cum in tractatibus faciendis super inceptoribus in theologia et bacalariis pro legendis sententiis licentiandis omnes et singuli Magistri regentes in illa facultate de usu more et consuetudine cum Cancellario et procuratoribus debeant si uoluerint interesse, etc.' *Collectanea*, II. p. 240. Cf. *Mun. Acad.* pp. 120, 489.

[4] *Laudian Statutes*, ed. Shadwell, pp. 72–74; *Diary of John Evelyn*, ed. Bray, I. p. 290.

[5] See the extracts from Gunning in Appendix XXVII.

CHAP. XII, § 5. The formula still in use testifies to the fact that the ceremony now commonly called taking a Master's degree is in reality the ancient ceremony of receiving the Chancellor's license to incept: and the Inceptor does not legally become a Master or take his seat in Convocation till the beginning of the following term. But the 'Act'—that is, the ceremony of Inception, at Cambridge called 'the Commencement'—has disappeared from the life, though not from the Calendar, of our Universities. It is true that in this part of the University system, and in this part only, has the now fictitious distinction between Regents and Non-regents been preserved. Only Regents sit in the 'Ancient House of Congregation,' which, for the purposes of the conferment of degrees, has survived the havoc which the seventeenth century and the nineteenth between them have made in the ancient institutions of Oxford. In the requirement that nine Regents shall be present in the House of Congregation for a degree to be conferred we have no doubt a survival of the ancient 'deposition' of nine Masters in the Faculty of Arts. But the distinction of Faculties has been lost; we have the anomaly of Masters of Arts voting on the conferment of superior degrees. And this has tended to obscure the fact that the License was originally conferred by the Chancellor with the advice of the Masters of the respective Faculties, not by the University itself. A modern English Dictionary would probably define a University as a 'body empowered to grant degrees.' This was just what in medieval times the University, properly speaking, did not do. The License came from the Chancellor[1]: the Inception or actual Mastership from the Faculty. Even when all Inceptions at Oxford took place in a full Congregation of the University, the actual Inception was still, as has been said, performed not by the Chancellor, but by a Master of the Faculty.

[1] It is true that at Oxford, where the Chancellor was so soon identified with the University and separated from the Bishop, the distinction was early forgotten. The Chancellor conferred degrees 'auctoritate mea et totius Universitatis' (*Mun. Acad.* p. 383). Notice that at Oxford degrees were never conferred in the name of the Pope.

The University legislates for the Faculties,

So far there was no difference between medieval Paris and medieval Oxford, except that the Proctors — the officers of the Faculty of Arts—figured in the Inceptions even of the superior Faculties in a way unknown at Paris. But there was one great point of difference, which arose indeed out of the fundamental contrast between the two constitutions, but which proved in its ultimate results a matter of much more than technical importance. The greatest constitutional peculiarity of Oxford—more remarkable even than the position of the Chancellor—is the almost entire absence of separate Faculty-organization. At Oxford we find, as we never find at Paris, the University itself settling every detail of the curriculum and internal discipline of all Faculties. And the regulations which the University made the University alone could dispense[1]. Thus a candidate who had complied with every minute regulation prescribed for a degree by custom or statute, had in the Middle Ages no need of the 'grace' of Congregation; but the moment a dispensation was needed, an application to the Congregation of Regents became necessary. A grace originally meant in fact a dispensation. But even by the fifteenth century the neglect of the elaborate and complicated regulations had become so habitual that a 'grace' was necessary in the great majority of cases. It seems that in this way a grace eventually came to be asked as a matter of course, so that at last it was supposed that it was the assembly of Regents who really conferred the degree[2].

and retains power of dispensation.

[1] The constitutional principle would seem to have been that the power of dispensation lay with the Regents, except where it was specially reserved by Statute to the Great Convocation. In practice most graces were granted by the Regents, but sometimes we find precisely similar graces granted by the Great Congregation.

[2] This is beautifully illustrated by the following inscription in a book once belonging to the Chancellor Thomas Gascoigne, and now in the Magd. Coll. Library (No. CIII): 'Compleui formam meam complete in sacra theologia anno gratie 1434, ita quod nullam graciam habui in uniuersitate de aliquo actu, sed tantum de tempore, nam respondi IX uicibus et nunquam concursorie [i.e. always *ordinarie*], et omnia alia feci debita ex statutis.' See also as to the Statutes of New College, below, p. 507.

CHAP. XII. § 5. Conditions of 'Graces.'

There is an immense and arbitrary variety in the 'conditions' imposed upon the granting of these 'graces.' Sometimes the condition is the performance of some additional exercise—a responsion, a disputation, a 'variation[1],' a sermon, a course of lectures, or two or more lectures in place of the Regent Doctor[2]. In other cases (where the dispensation was more extensive or the candidate worth bleeding), a contribution was imposed for the benefit of the 'New Schools,' or the repair of a window in the Convocation-house, or the pavement of S. Mary's. At other times the condition is for the personal benefit of the Regents. The candidate is to feast all the Regents or the Regents actually present[3] on the occasion, or to present them with new gowns, or with knives, 'according to ancient custom,' or to pay the Regent Doctor for the lectures which he has been dispensed from attending. Already in the middle of the fifteenth century the number of these graces is so great that it may almost be said that each case was considered on its own merits. It was assumed that the full requirements of the University could not be practically complied with. When a candidate thought he had studied sufficiently to have earned his degree, he presented his *supplicat*, stating the number of terms which he had kept, the exercises he had performed, and asking for the degree[4].

[1] 'Quod bis variet in Parviso.' Mr. Clark (*Register*, II. pt. i. p. 21) explains 'in Parviso' as equivalent to 'in parvisiis,' i.e. the *little things*, Logic and Grammar. But we do not find the plural in the fifteenth century, and do find 'in Paraviso': cf. *Mun. Acad.* p. 242 ('frequentantes ... Parvisum'). The word 'Parvis' appears to be a corruption of Paradisus, and is used of the Cloister of Notre Dame at Paris, the Palace Yard at Westminster, &c. See Ducange, *sub voce* 'Paradisus,' and Somner, *Glossarium* ad Twysden *Decem Scriptores*, *s. v.* 'Triforium.' In Chaucer (*Prologue*, l. 312) we hear of a Serjeaunt of the law 'that often hadde yben at the parvis,' which Pulling (*Order of the Coif*, p. 3) understands of the Parvis of S. Paul's.

[2] 'Quod semel (*or* bis *or* ter) excuset doctorem.' This was only in the case of the higher Faculties. The following facts are from the fifteenth-century Register (Aa) in the Archives.

[3] The same conditions are sometimes imposed on persons seeking 'reconciliation' with the University, e.g. a payment 'pro vino et ostriis (oysters) pro Magistris Regentibus.'

[4] A student's 'time' is often made up in a very curious way by counting a specified number of long vaca-

There was no doubt a certain roughly defined understanding as to the conditions which were dispensable and those which were not. The candidates for B.A., for instance, were usually made to go through the whole course of books, though the number of terms was sometimes reduced. In the attainment of the M.A. degree, on the other hand, there was more elasticity. In this way it would seem to have gradually come about that a 'grace' became necessary in the case of all graduates, and was asked for as a matter of course. The process was completed by the Revival of Learning, which created a divorce between the statutable requirements and the actual practice of the University. The old unrepealed Statutes of the University still required so many ordinary lectures to be heard on Aristotle in School Street; while the real educational work of the place was done in Hall or College lectures—still largely but no longer exclusively upon Aristotle—which did not satisfy the statutable definition of 'ordinary lectures.' Another circumstance which helped forward the tendency to substitute College for University was the enormous number of 'non-legible' days which the growing piety or gratitude of the University had introduced into its Calendar. A mere glance at the extant Calendar, wherein eleven days in the month of November are holidays so far as the University is concerned, besides Sundays and three days on which only

The Grace becomes necessary.

tions 'and many short ones.' Terms kept in one Faculty are allowed to count towards graduation in another: an odd term or long vacation is kept at Cambridge; terms passed in the country (with or without attendance at lecture) 'causa pestilencie' are counted; while the lectures given and exercises performed are enumerated as though no special number was prescribed by Statute. On the other hand, the 'forma' of books to be heard is pretty strictly adhered to, except where a special dispensation is given from part of them, or where other books are allowed to be substituted for those prescribed by Statute. Many 'graces' are granted as to the number of lectures which will constitute a 'term,' sometimes for a whole batch of candidates, sometimes for individuals. As a rule sixteen 'ordinary' lectures counted as a term kept. At times we find very curious graces enabling candidates to go to an extra lecture or course of lectures 'pro ordinariis minus attente auditis sed non completis istius termini,' or the like. Such scrupulosity was due to the desire to avoid perjury.

CHAP. XII. § 5. cursory lectures might be given, will make it clear that serious education would have been impossible had not the College Prelectors and Tutors taken upon themselves the burden which the University Regent was becoming more and more eager to shirk, and less and less competent to perform [1].

Absence of Faculty organization.

And here we may pause to notice how merely constitutional differences have modified the educational organization of different Universities and the culture of different nations during whole generations of men. The practical extinction of all the higher Faculties in the English Universities is partly due no doubt to the absence of endowments for University teachers and to the presence of these endowments in the Colleges, enabling them to monopolize that instruction which the Universities themselves were unable to supply. Partly, too, it is accounted for, as regards the legal Faculty, by the non-Roman and unscientific character of English law, and as regards Medicine by the comparatively small size of the University towns. But the suppression of all effective instruction in the higher Faculties was also promoted by the control which, here alone among the Universities of the world, the Regents in Arts,—that is to say, after the decay of University lectures, the youngest Masters,—had acquired over the degrees in the higher Faculties. In other Universities each Faculty regulated the conferment of its own degrees. At Oxford and Cambridge an unlimited power of dispensation was vested in the Regents of all Faculties, the majority of whom of course were Regents in Arts. The extent to which this power was abused, even in the middle of the fifteenth century [2], was already such as to prepare the way for the

[1] *Mun. Acad.* p. cxlix. Besides the legal holidays the Regents were constantly voting themselves 'a day,' i.e. of exemption from all academical duties, or short vacations besides those prescribed by the Calendar, which were roughly identical with the statutable vacations of modern times, except that there was a short vacation at Whitsuntide.

[2] Thus we find the Regents frequently dispensing themselves wholesale from a year's study in any Faculty in which they should hereafter proceed, or even at times from the necessity of taking the Bachelor-

total suspension of the residence and study required by the Statutes for these degrees, while the Professors lacked the power or the inclination to convert the remaining 'exercises' into effective tests of competence. The higher degrees continued to be taken almost as much as formerly, especially degrees in Theology. In many cases College statutes bound the Fellows by the most solemn obligations to study and graduate in some superior Faculty, and the title of Doctor has always been more or less in request. But mere 'standing' was at last unblushingly treated as equivalent to residence and study, and thus at the present day the highest degree which it is in the power of the University of Oxford to bestow has come to be the reward of eleven years passed in forgetting the minimum of knowledge required in the Pass Schools of the Faculty of Arts.

Difference in Curriculum.

(5) When we come to compare the details of the requirements of the two Universities for the various degrees, we shall find that as a rule the books 'taken up,' the exercises, and the 'time' required at Oxford correspond roughly with those of Paris. The most noticeable differences are:—

(*a*) At Oxford the enormous length of the course required (from the fourteenth century onwards) at Paris for D.D. is considerably reduced.

(*b*) We observe no such tendency at Oxford towards shortening the Arts course, at all events towards shortening the time required for B.A. At Oxford the tendency was

ship in Civil or Canon Law (Reg. Aa. f. 79 *b*), or in any Faculty but Theology (*ib.* 122 *b*) before the Doctorate, or allowing one of their brother M.A.'s to 'create' them (i.e. conduct their Inception) as Doctors of Civil or Canon Law if no Doctor were present (e.g. Aa. f. 81 *a*; Letter-book F. f. 64 *a*). Cf. the testimony of Gascoigne: 'Iam enim in Anglia periit cura Animarum per ecclesias appropriatas, et per non-residenciam curatorum . . et per pessimam collationem gradus scolastici et concessionem gratiarum indignis et viciosis et insciis personis in Oxonia, et in aliis Studiis, quæ collatio mala graduum scolasticorum non erit destructa, quousque potestas dispensandi cum bonis Statutis retrahatur a Regentibus et a Procuratoribus Universitatis, qui pessima concedunt pro lucro proveniente eisdem per graduatos et per graduandos per eosdem.' *Loci e libro Veritatum*, ed. Rogers, Oxford, 1881, p. 3. Cf. p. 20.

CHAP. XII, § 5. to put the Baccalaureate and Determination late, and to reduce the requirements for M.A. till at last—within the present century—the last relics of residence and of 'exercises' after B.A. have finally disappeared [1].

(*c*) In the actual curriculum we shall find that there was rather more elasticity than at Paris. The dominion of Aristotle was somewhat less exclusive. Importance was attached to keeping up the theory that a University Arts course included the *Trivium* and *Quadrivium* of the earlier Middle Ages, as well as the 'three Philosophies' introduced by the rediscovery of Aristotle in the thirteenth century. More importance was attached to Mathematics and Astrology, and more alternatives were offered to the choice of the individual student.

Requirements for degrees.

The *chief* requirements for the various degrees may be thus briefly summarized:—

THEOLOGY [2].

For Opponency [3]:

For M.A. candidates, four or five years' study (i. e. apparently to be *in the fifth year*), presumably divided between the Bible and Sentences, since three years' *auditio* of the Bible are required for Inception.

For others, eight years in the study of Arts [4]; six or seven years in Theology.

[1] See Cox, *Recollections*, p. 60.

[2] *Mun. Acad.* pp. 388–397.

[3] In the fifteenth-century Register (Aa) there are two regular steps or degrees in Theology for which 'supplicats' are presented—'Admissio ad opponendum et respondendum,' and 'Admissio ad lecturam libri Sententiarum.' Only the latter seems to confer the style 'Baccalarius in Theologia,' though this is not quite clear. A probably fourteenth-century Statute (*Mun. Acad.* p. 389) requires the fifth year for 'Opponency' and the seventh for Respondency. That being so, I cannot understand the provision 'quod quilibet ad lecturam libri sententiarum de cetero licentiandus, in admissione sua juret quod postea non opponet in theologia, publice et in scholis, in statu minore quam status Bacularii in eadem' (*Mun. Acad.* p. 390; cf. p. 394).

[4] At least if the candidate wanted to proceed to B.D. From a University letter (Ep. 62. F. f. 23 *a*) it appears that 'Monachi artium scholares in nostra universitate' had to pay the *collecta* to the Regents, but from the 'graces' it is clear that the Regulars might keep their time in Arts by study in the Conventual Schools, in Oxford if not elsewhere.

For B.D. (*Admissio ad lecturam libri Sententiarum*):

For M.A. candidates, two years more, i. e. seven years in all.
For others, two years more, i. e. eight years in all.
Certain Opponencies, number not specified.

For Licence:

Two years' further study.
To have lectured on one book of the Bible[1] and on the Sentences.
An examinatory Sermon at S. Mary's.
Eight Responsions to non-graduate Opponents.
To dispute (as Opponent) with every Regent D.D.
Vespers.
In the fifteenth century an additional Sermon was added by Statute[2].

CANON LAW.

Canon Law.

For Bachelor of Decrees: (*Admissio ad lecturam extraordinariam alicuius libri Decretalium*):

Five years' study of Civil Law.
To have heard the Decretals twice, and the Decretum for two years[3].

[1] In *Mun. Acad.* p. 391, lectures on both Bible and Sentences are required (cf. *Collectanea*, II. p. 218). Yet on p. 396 we find 'aliquem librum de canone bibliæ *vel* sententiarum Oxoniæ in scholis theologiæ publice legant.' In Aa we find that a candidate usually enumerates among his exercises 'introitus Biblie,' as well as 'lectura libri Sententiarum.' We may presume that the Lecture on the Bible had now sunk for the majority of secular candidates to a formal Introductory discourse upon a book which was never finished. The real lectures on the Bible which had still to be *heard* by every candidate were no doubt delivered (as at Paris) by Regulars.

[2] *Mun. Acad.* p. 396, constantly alluded to in Aa as the 'novum statutum.' A candidate sometimes supplicates to be allowed to preach in *English* at S. Peter's-in-the-East, instead of in Latin at S. Mary's. The afternoon sermons in Lent were preached at S. Peter's till 1828. See Cox, *Recollections*, p. 241 *sq.*

[3] It is impossible to adjust this provision (*Mun. Acad.* p. 398) with the (? later) Statute relating to Inception which requires that Inceptors in Canon Law who have not been Regents in Civil Law, 'jura civilia ad minus per triennium, bibliam, quatenus legitur in studio, per biennium, decreta per triennium, ac decretales integraliter se jurent audisse' (*ib.* p. 399). There is no information as to the standing for the Doctorate except what is contained in this clause.

CHAP. XII, § 5. *For Inception as Doctor of Decrees:*

To have read *extraordinarie* two or three 'causes' or the tractate *De Simonia*, or *De Consecratione*, or *De Pœnitentia* (parts of the *Decretum*).

To have opposed and responded to the questions of every Regent.

To have given one lecture for each Regent.

[After Inception, two years, afterwards one year of Necessary Regency.]

CIVIL LAW[1].

For B.C.L. (*Admissio ad lecturam libelli Institutionum*[2]):

For M.A. candidates, four years' study.

For others, six years' study.

For License ad legendum aliquod volumen Juris Civilis (e. g. *the Digestum Novum* or *Infortiatum*).

To have heard the *libri apparitati* of the Civil Law.

For Inception:

(No additional *time* specified).

To have lectured on the Institutes, the *Digestum Novum*, and the *Infortiatum*.

To have given an ordinary Lecture for each Regent Doctor.

To have opposed and responded in the School of each Decretist[3].

MEDICINE[4].

For M.B. (*Admissio ad legendum librum Aphorismorum*[5].)

(No time specified.)

[1] *Mun. Acad.* pp. 402–405.

[2] Occasionally the Licence is to read some other book of the Civil Law.

[3] A Statute found in the Proctors' Books (B and C), not in the Chancellor's (A), and probably later than the above, requires the reading of 'unam collationem, vel unum librum de libris extraordinariis codicis' (*Mun. Acad.* p. 405), but whether in addition to or substitution for the above *volumina*, does not appear.

[4] *Mun. Acad.* pp. 406–409.

[5] Rarely one of the books mentioned below is substituted. No examination or practice was apparently required for an M.A. to become M.D. Such was the belief in healing by Aristotle. By a Statute of 9 Hen. V, cap. 11 (Rot. Parl. IV. p. 130), the Council is empowered to make regulations for preventing non-graduates practising anywhere in England, but in the dearth of M.D.'s in England any such regulations must have been quite futile.

For admission 'ad practicandum' in Oxford[1]:

For M.A. candidates, four years' study.

To pass an examination conducted by the Regent Doctors.

For others, eight years' study and examination.

For License and Inception:

For M.A. candidates, six years' study (in all).

To have 'read' one book of *Theorica* (i. e. the *Liber Tegni* of Galen, or *Aphorismi* of Hippocrates), 'pro majori parte.'

To have 'read' one book of *Practica* (i. e. *Regimenta Acutorum* of Hippocrates, *Liber Febrium* of Isaac, or the *Antidotarium* of Nicholas).

To have responded to and opposed in the Schools of the Regents for two years.

For others, to have been admitted to practice, as above: eight years' study (in all): to have given the above lectures.

ARTS.

For B.A. (*Admissio ad lecturam alicuius libri Facultatis Artium*):

Four years' study.

For Determination[2], (A) In 1267:

To have been admitted as above and 'read' some book of Aristotle.

To have responded *de quæstione.*

To have heard: (1) The Old Logic, i. e. Porphyry's *Isagoge*, the *Categoriæ* and *De Interpretatione* of Aristotle, the *Sex Principia* of Gilbert de la Porrée, twice; and the Logical works of Boethius (except *Topics*, bk. iv), once. (2) In the New Logic, *Priora Analytica*, *Topica*, *Soph. Elenchi*, twice; *Posteriora Analytica*, once:

With *either* (1) Grammar, i. e. Priscian, *De constructionibus*, twice; Donatus, *Barbarismus*, once.

Or (2) Natural Philosophy, i. e. Aristotle, *Physica*, *De Anima*, *De Generatione et Corruptione Animalium.*

To have responded *de Sophismatibus* for a year or have heard the *Posteriora Analytica* twice, instead of once[3].

[1] In Register Aa usually conferred with the M.B.

[2] *Mun. Acad.* pp. 35, 36.

[3] Determiners *pro aliis* who had not previously determined *pro se* were required further to have heard the *Magnum* of Priscian and three books of the *Meteorics* of Aristotle.

CHAP. XII, § 5.

(B) Later (*? circa* 1408[1]):

To have been admitted as above, and 'read' some book of Aristotle.

To have disputed for a year as 'General Sophister' *in Parviso.*

To have responded *de questione.*

To have heard: Donatus, *Barbarismus*; Arithmetic (*Algorismus integrorum*); the method of finding Easter (*Computus ecclesiasticus*); [Joannes de Sacro Bosco], *Tractatus de Sphæra*; Porphyry, *Isagoge*; Gilbert de la Porrée, *Sex Principia*; Aristotle, *Sophistici Elenchi* — *lectionatim* in College or Hall[2].

The Old and New Logic, except the Boethius, *Topics*, bk. IV *cursorie* from Bachelors in the Public Schools.

For License and Inception:

Three years' additional study[3].

To have been admitted *ad lecturam alicujus libri Aristotelis*, and to have lectured thereon[4].

To have been admitted to determine (*?*)[5].

To have responded *apud Augustinenses*, and taken part in a certain number of other disputations[6].

To have heard (in addition to the books already read for B.A.), (Stat. of 1431[7]):

[1] *Mun. Acad.* p. 241 *sq.*

[2] 'Secundum sufficientem expositionem a Magistro vel Bachillario in collegio aut in aula se lectionatim integre audivisse cum recitatione debite subsecuta, ita tamen quod in primo biennio, quo Scholares fuerint facultatis artium, hujusmodi auditionem lectionariam, ut præfertur, aggredi non præsumant' (*ib.* p. 242). Determiners *pro aliis* were further required to have heard the Posterior Analytics in College or Hall.

[3] *Mun. Acad.* p. 416. Those who have not determined were required to complete *eight* years.

[4] *Mun. Acad.* p. 414.

[5] This I infer from the fact that *supplicats* for Inception always mention Determination; but the extant Statutes do not actually require it, and it is clear that it was not necessary actually to determine.

[6] For details, see *Mun. Acad.* p. 406.

[7] *Mun. Acad.* p. 285 *sq.* The Statute-books contain two other 'Formæ' (nearly identical) for Inceptors (*Mun. Acad.* pp. 413–415), which contain fewer books than the above and assign shorter time for them (e.g. eight days for Arithmetic), which seems to show that the 'term' assigned to a subject was practically a very short course of lectures. Another 'Forma' is printed in Appendix XXIII.

In the Seven Arts:

Grammar . . Priscian 'in majore vel minore.' (One term [1].)

Rhetoric . . The *Rhetoric* of Aristotle. (Three terms.)
Or the *Topics* of Boethius, bk. IV.
Or Cicero, *Nova Rhetorica.*
Or Ovid's *Metamorphoses.*
Or 'Poetria Virgilii [2].'

Logic . . . Aristotle, *De Interpretatione.* (Three terms.)
Or Boethius, *Topics* (first three Books).
Or Aristotle, *Prior Analytics*, or *Topics.*

Arithmetic . Boethius. (One term.)

Music . . . Boethius. (One term.)

Geometry . . Euclid [? six books [3]].
Or Alhaçen. (Two terms.)
[Or Vitellio, *Perspectiva* [4].]

Astronomy . (Ptolemy ?), *Theorica Planetarum.* (Two terms.)
Or Ptolemy, *Almagesta.*

In the Three Philosophies:

Natural . . Aristotle, *Physica* or *De cœlo et mundo.* (Two terms.)
Or *De proprietatibus elementorum*, or *Meteorica*, or *De vegetabilibus et plantis*, or *De Anima*, or *De Animalibus*, or 'any of the smaller books [5].'

[1] 'Per terminum anni,' which Mr. Anstey is probably wrong in translating 'for one year,' since in all other cases the time is given in *terms.*

[2] The last three alternatives are perhaps recent additions. If so, they supply an interesting illustration of the dawn in Oxford of the Latin (as distinct from the Greek) Renaissance. In 1448 we find a Bachelor characteristically supplicating that a lecture upon the Georgics of Virgil imposed upon him by the 'Magistri Determinatorum' should be commuted for a lecture on the 'De Anima' (Aa. f. 21 *b*). It is also interesting to note that in 1453 the Regents debated 'an videatur expediens universitati ut conducantur V Regentes an pauciores ad perficiendum lecturam scientiarum per necessarios regentes non lectarum' (Aa. f. 76 *b*), but this proposal to widen the University course by the foundation of Professorships seems to have come to nothing.

[3] So in another 'Forma' contained in *Mun. Acad.* p. 415.

[4] This reading is a correction in B (Sen. Proctor's book).

[5] 'Aliquem de minutis libris,' i.e. the Parisian 'Parva naturalia.'

CHAP. XII, § 5.

Moral . . . Aristotle, *Ethica*, or *Economica*, or *Politica*. (Three terms.)

Metaphysical. Aristotle, *Metaphysica*. (Two terms[1].)

Degrees in Music,

We have already noticed the comparative prominence of Mathematics and the two Sciences then most closely associated with Mathematics, i. e. Music and Astronomy or Astrology. In the fifteenth century we find actual degrees given in Music[2]. The candidate for the Doctor's degree was required to compose a Mass or a Mass and a song (*cantilena*) to be performed at S. Mary's at the annual Act or general Summer Inception. The Bachelor's degree was taken by admission to 'read any book of Music' or 'any book of the Music of Boethius.' This graduation in Music is a peculiarity of the English University system which we have hitherto seen only in certain Spanish Universities. It is probably of late growth and little importance, except as an interesting indication of the growth of Church Music during the one period of its history at which England took the lead in musical progress[3]. The title of Doctor carried with it no rights such as were enjoyed in the case of other Masters or Doctors: the Doctor of Music was, it would appear, academically on a level with the humble Master of Grammar—a title which, at this time, was also conferred after the manner of a 'degree[4].' It does not appear that actual degrees were given in Astronomy, but we have frequent allusions to courses of Astronomy apparently more extended than what was included in the ordinary Arts course[5], and in the sixteenth century

and in Grammar.

Study of Astrology.

[1] Three for candidates who had not determined. It is clear that the majority of M.A.'s had determined, but the lists of Determiners in Aa are somewhat shorter than those of 'Admissi *ad lecturam*, &c.,' or B.A.'s.

[2] Registers, *passim*. At Cambridge Musical degrees occur as early as 1463. For a full account of their history see *A Short Historical Account of the Degrees in Music at Oxford and Cambridge*, by Mr. C. F. Abdy Williams (London, 1893), an interesting work which would be the better for the omission of the very uncritical chapter on 'The Origin of Academical Degrees in general.'

[3] Cf. Abdy Williams, *l. c.* p. 12.

[4] As to the degree in Grammar see Clark, *Reg. Univ. Oxon.* II. pt. i, pp. 8, 218, and below, p. 599 *sq.*

[5] e. g. 'quatuor anni in medicinis et astronomia' (Aa. f. 121 *b*). William

there is an instance of a scholar admitted 'to practice in Astrology[1].'

Poets Laureate.

Another peculiar institution which we find introduced into the University at the end of the fifteenth century is the practice of creating Poets Laureate by their actual investiture with a laurel crown[2]. In some cases the Laureation seems to be combined with a degree in Rhetoric[3].

Greek and Hebrew.

The Greek and Hebrew Professorships ordered by the Council of Vienne in 1311 were actually founded, or at least money was collected for the payment of the Professors[4].

French.

Another study which occupied a somewhat anomalous position was the French language. It was decidedly regarded in the light of an 'extra.' There were, it appears, certain persons who taught and others who learned 'the art of writing and composing and speaking the Gallic idiom,' as also the art of 'composing charters and other scripts,' and of holding lay courts or the English mode of pleading—an indication of the purpose for which French was in demand. But it struck the academic mind as irregular that there should be students of these subjects when

Rede of Merton, Bishop of Chichester 1369–1385, drew up some astronomical tables. For these and other fragments of Oxford Astronomy, cf. Twyne, II. f. 92 *sq.*

[1] Early in the sixteenth century we find a general grace for Regents in Arts, 'Quod si contingat aliquem eorum studere in astronomia possit practicare in eadem.' Register H. 7. f. 4 *a*. Licences were also granted (without degrees) 'ad practicandum in arte Cyrurgie in Universitate et infra precinctum ejusdem.'

[2] Bernard Andrew, poet laureate, received a royal annuity in 1486 on account of his teaching at Oxford and elsewhere. *Materials illustrative of Henry VII*, ed. Campbell, II. p. 62. Cf. Wood, *Athenæ*, I. (1691) p. 22; Cooper, *Annals of Camb.* I. p. 241, whence it appears that Skelton was a Laureate of Cambridge. It appears that at Cambridge Bachelors of other Faculties wore floral wreaths at the Festivities of the Act (Caius, *Hist. Cantebr.* p. 122). The custom of laureating poets perhaps originated in Italy. We hear of it at Padua in the fourteenth century (Tomasinus, *De Gymn. Patav.*, p. 169). There is a letter of Petrarch (*Chartul. Univ. Paris.* T. II. No. 1038) where the poet declares that he received invitations on one and the same day 'ad percipiendam lauream poeticam' from Rome and from the Chancellor of Paris. Only the first invitation was accepted.

[3] Boase, *Register* I. p. 299.

[4] Linc. Reg. Burghersh, f. 11 *b* 'pro stipendiis cuiusdam conversi catholici nunc docentis Oxon. linguam Ebraicam atque Grecam,' with the significant addition 'et pro negociis communibus ecclesie,' &c.

CHAP. XII, § 5

the University provided no 'ordinary' lectures on them. Accordingly it was provided that such scholars should attend lectures on the subjects which approached most nearly to their own, i.e. Grammar and Rhetoric: while the teachers were required to swear obedience to the Statutes of the University, and at the same time to divide between them a tax of 13*s.* 4*d.* to the Masters of Arts by way of compensation for the damage which was inflicted upon them by the withdrawal of pupils from their more regular instructions[1]. Even this very qualified encouragement to the study of a foreign modern language is unparalleled in any other medieval University.

Failure of Regency system.

For information as to a great number of details which might naturally find a place in this section, the reader must once again be referred back to the chapter on Paris. The system of University teaching was exactly the same in the two places. In both Universities the teachers were dependent upon their *collecta*; in both Universities want of adequate support for University teaching, and the youth and inexperience of the 'necessary Regents,' led eventually to the breakdown of University teaching, at least in the Faculty of Arts[2].

Duke Humphrey's Lectureships.

In the fifteenth century some attempt was made at Oxford to supply the deficiency by Humphrey, Duke of Gloucester, who, in 1436, temporarily founded certain Lectureships in the Seven Arts and the Three Philosophies[3].

[1] 'In recompensam præjudicii per eorum doctrinam Artistis illati.' *Mun. Acad.* p. 303. The same Statute provides that in future the *collecta* received by the Regents in Arts shall be divided equally between them.

[2] The only earlier evidence of anything like an endowment for teachers is in 1275, when Franciscus Accursius, having returned to England with Edward I, was provided with free quarters in the 'King's Manor' at Oxford, i.e. Beaumont Palace. Rot. Pat. 4 Ed. I, m. 35 (Twyne, II. f. 43 *b*).

[3] Presumably one in each. (Letter-book F. f. 42 *a*.) These are frequently alluded to in subsequent Letters of the University. See especially F. f. 61 *b*, in which the University boasts itself to be the only one in the world where 'non pro vili precio et particulatim seu in priuato ut olim consueuerint sed gratis integre et in publico omnes artes, omnes philosophie leguntur' (1442). A Royal Lectureship of the same kind for Theology is mentioned in 1481 (F. f. 143), which was perhaps absorbed in the Margaret Professorship.

But these Lectureships were not permanently endowed, and came to an end upon the Duke's death. The need was actually met by the gradual growth of College teaching, which practically made the wealth of the Colleges intended for other purposes available for the endowment of University teachers. In the higher Faculties such teaching as continued to be given at all was supplied by the endowed Professorships, of which only one was instituted within our period — the Professorship of Divinity, founded by the Lady Margaret, mother of Henry VII, in 1497[1].

Margaret Professorship.

The architectural history of the University lies beyond the scope of this work, except in so far as it bears upon its constitutional and educational organization. In the Church of S. Mary—the centre of University life and the scene of its earliest Congregations—the University possessed of course no rights whatever. The Church[2] was simply borrowed by the University for its Congregations and Latin sermons, just as S. Peter's-in-the-East was borrowed for English sermons, and S. Mildred's for meetings of the Faculty of Arts. The adjoining Congregation-house, which was rebuilt at the end of the fifteenth century, was begun by Thomas Cobham, Bishop of Worcester, in 1320, with an Upper Chamber to hold his Library. The executors of the Bishop pawned the Library to defray the expenses of his funeral and pay his debts. Oriel College, at their suggestion, redeemed the books, and being also the impropriating Rectors of the Church, claimed to treat both building and library as its own property: but in 1337 the Masters asserted their supposed rights of ownership by coming 'with a great multitude' and forcibly carrying away the books from Oriel, 'in autumn' when the Fellows were mostly away, lodging them in the Upper Chamber[3]. The quarrel smouldered

Buildings.

The Congregation-house.

[1] Wood, I. p. 654; III. p. 826; Letter-book F. f. 180 *b*.

[2] The Church was almost entirely reconstructed (except the Tower) at the end of the fifteenth century, the Chancel in 1462, the Nave in 1490–1495. Wood, *City*, II. pp. 17–19; Lyte, p. 378; Archives, F. f. 156 *sq.*, 176. An account of these letters is given by Ffoulkes, *Hist. of the Church of S. Mary*, p. 201 *sq.*

[3] See Poole's life of Cobham in *Dict. Nat. Biogr.* II. p. 158, and the interesting narrative printed from

CHAP. XII, § 5.

till the year 1410, when Oriel was induced to acknowledge the University's proprietary rights, subject to a quit-rent of one penny, in consideration of a present of fifty marks from Archbishop Arundel, who also provided for the endowment of the University Chaplaincy[1]. In respect of Schools, the Masters continued throughout our period dependent upon hired rooms; though Inceptions and Determinations had to be performed in the Schools of School Street or its immediate neighbourhood. Many of these Schools were afterwards situated in residential Halls[2]. In 1439, however, Thomas Hokenorton, Abbot of Eynsham, pulled down a number of the isolated Schools belonging to his Abbey, and erected 'a long pile of stone building consisting of two stories,' which practically served as the principal Arts Schools of the University till the present 'Old Schools' were built in the time of James I[3]. The Masters, however, who taught in the 'Schools of Oseney' continued to pay rent (13*s.* 4*d.* for each School) to the

The Schools.

the Oriel Register by Mr. Shadwell in *Collectanea*, I. pp. 62–65. Mr. Ffoulkes (*l. c.* pp. 24, 59, 61) speaks of an 'old Congregation-house,' the building of which he attributes to S. Hugh of Lincoln. What evidence there may be for the existence of such a building, I know not, but certainly Mr. Ffoulkes produces none, nor can I suppose that 'S. Hugh evidently meant his new erection to serve for a Chapter-house, which was then wanting in Oxford' (p. 25), when there was no Chapter at S. Mary's to use it. S. Frideswyde's, of course, possessed both a Chapter (i.e. of Regulars) and a Chapter-house. There was, indeed, a University Chapel in S. Mary's from 1274, with an endowed Chaplain who said Mass for the benefactors of the University. Rymer, I. (1816), p. 519.

[1] See Doc. in Ayliffe, II. p. lxxx. Lyte (p. 100) assumes that Oriel recovered the books, but of this there is no evidence.

[2] At the beginning of the fifteenth century thirty-two in number. *Mun. Acad.* pp. 239, 240 (cf. p. 453). Denifle (I. p. 682) had been misled by Mr. Anstey into supposing that in 1278 there were thirty-one Schools in various parts of the town, citing a document from *Mun. Acad.* p. 38, which describes the number of 'Regentes' in each part of the town, including regions where no Schools are ever heard of. Mr. Anstey admits that in A the contraction 'Reg.' stands for 'Regratorum,' and a petition of the University to the Parliament of 33 Edward I, complaining that the townsmen have increased the accustomed number of thirty-two Regrators, places this reading beyond a doubt (*Memoranda de Parliamento*, p. 45). That there should afterwards have been this very number of thirty-two Schools in School Street is certainly an odd coincidence.

[3] Wood, III. pp. 759 *sq.*, 787 *sq.*

Abbey, reimbursing themselves (as at Paris) by subletting to Determiners[1]. About the year 1426[2], the University began to collect money for the present Divinity School, which, when its ample window space was filled with stained glass, must have been a gorgeous specimen of late Gothic art. The building absorbed the energy of the University and the liberality of its benefactors for half a century; it was not completed till 1489[3]. An Upper Chamber over the Divinity School was established for the valuable Library given to the University by Humphrey, Duke of Gloucester, in 1439 and 1443[4]. The Schools of Law lay in the neighbourhood of S. Edward's Church. In 1465–1489 we find the University collecting money for the repair of the Canon Law School and the Civil Law School[5], but it is clear that these buildings were the actual property of the principal Doctors of Canon and Civil Law, not of the University itself. It is curious to observe how universally the fifteenth century is the era of 'University Buildings.' About the year 1440 the Universities all over Europe were endeavouring to provide themselves with buildings of their own. It is more than an accidental coincidence that this was about the period at which the Universities began to lose their independence, and to fall more and more under the control of their respective governments. In their poverty had been their strength. In another way, however, the story of the buildings in which the Masters of the fifteenth century took more delight than in teaching or in study, is one connected with the best movement of the age. The fifteenth century was everywhere an age of Library-making; in the Library the solitary student, weary of the disputa-

Divinity School.

Law Schools.

[1] Wood, III. pp. 759, 760.

[2] Letter-book F. f. 6 *a*. The site was bought in 1427. Pyx, W. P.-B. 5. (Other documents, nn. 2, 3, 4, have disappeared.)

[3] Wood (III. p. 778) gives 1480, but see F. ff. 134 *b*. 160 *b*.

[4] *Mun. Acad.* pp. 758–772. Others were not received till after 1450, i. e. till at least three years after the Duke's death. Macray, *Annals of the Bodleian*, pp. 6-8.

[5] F. ff. 117 *b*, 143 *b*, 144 *a*; Wood, III. p. 769. The Canon Law School was begun in 1489: F. f. 159 *b*. It is not clear whether the 'Civil School' was rebuilt.

CHAP. XII, § 6.

tions of an effete Scholasticism, could find richer intellectual pastures for himself. Duke Humphrey's Library contained, besides the usual contents of medieval Libraries, a considerable number of Greek and Latin Classics, together with some works of the Italian scholars[1]. It is the first irruption of the full-blown Italian Renaissance into Oxford, and no doubt helped on that spontaneous groping after an improved Latinity and a more literary education which, at Oxford as at Paris, prepared the way for the men of the Renaissance proper—the wandering Greeks and the Northern Scholars who had studied in Italy. The last years of the fifteenth century, as presented to us in the official records of the University, tell of nothing but the dreary routine of expiring Scholasticism. As presented to us in the letters of Erasmus and his friends, they are full of bright promise—a promise which in Oxford was never wholly fulfilled. But the growth of humanism during the last ten years of the fifteenth century—the age of Colet and Grocyn, of Linacre and Erasmus—in many ways the most fascinating decade in all our Oxford annals, belongs not to the history of medieval University systems, but to the history of the movement by which that system was destroyed[2].

Duke Humphrey's Library.

Growth of Humanism.

§ 6. THE COLLEGES OF OXFORD.

Interest of subject.

Greatly as the originality of the English College-system has been exaggerated, there can be no doubt of the peculiar interest which our English Colleges possess for those who are familiar with the towns to which they still impart that ecclesiastical and medieval tone which has so completely vanished from the University cities of the Continent. We may therefore be allowed to devote to the origins of Merton

[1] See the Catalogue in *Mun. Acad.* p. 758 *sq.*, and Macray, *l. c.* p. 6 *sq.*

[2] The history of these years has been delightfully written by Mr. Seebohm in his *Oxford Reformers*, and by Prof. Montagu Burrows in *Memoir of William Grocyn* (*Collectanea*, II. p. 332 *sq.*). See especially his remarks (p. 339) on Thomas Chandler, Warden of New College from 1454 to 1475, who wrote good Latin, though there is no reason to believe that he had studied in Italy.

and New College, of Peterhouse and King's, somewhat more attention than has been bestowed upon the Sorbonne and the College of Navarre.

The democratic character of the Halls.

Something has already been said in connexion with Paris about the system of residence in Halls or Hostels and the gradual changes by which the Hall passed from an independent and self-governing community into the position of a boarding-house kept and in the main governed —though not without vestiges of its ancient autonomy— by a Master under the authority of the University. Indeed, we have been obliged to some extent to interpret the scanty notices of the Parisian system by the ampler evidence which Oxford supplies. Whatever doubt there may be as to the originally democratic character of the Parisian Hostels, there can be none as to that of the Oxford Halls, while the Aularian Statutes of 1489, printed at the end of this volume, exhibit this ancient autonomy in the very act (as it were) of being superseded by that of the University of Masters and of the individual Principals [1].

Growth of University authority over Halls.

It is instructive to trace the process by which the University gradually asserted its supremacy over the Hall-communities. The starting-point of the Chancellor's jurisdiction over the relations between the Principal and his 'fellows' (*socii*) was simply the custom of giving security before the Chancellor for the rent of the house. This proceeding was enforced merely to secure the payment of the rent and prevent disputes between competing applicants for Halls: any scholar who tendered the required amount had the right to be admitted to the Principalship. But it would at the same time enable a Chancellor to reject a Principal to whom he had reason to demur, and in certain cases the University threatens Principals offending against

[1] Similarly the 'Inns of Court' in London were originally Hostels hired from a landlord by some group or society of 'Apprentices of the Law.' (Pulling, *The Order of the Coif*, p. 130.) They were formerly ruled by a *Principal* and Ancients, 'as it has continued to this day in the lesser Inns.' (*Ib.* p. 165.) Since these societies were not incorporated, their *status* was very similar to that of the Hall-communities. It is probable that their government was at one time more democratic than now.

CHAP. XII, § 6. the University regulations about the manner of hiring Halls —as for instance by buying the succession to a Principalship from the last holder—with the loss of their position. Gradually the Chancellor seems to have arrogated to himself a general power of removing an offending Principal[1]. In the time of Edward I it is said that the Chancellor received express authority from the University to veto the Statutes made by the *Aulares* and even to impose Statutes upon them at his own discretion[2], though there is not much evidence of the power having been actually exercised till the second half of the fifteenth century[3]. In 1411 Principals were forbidden to receive scholars expelled from other Halls for breaches of their Statutes[4]. In 1421 Henry V enjoined that Principals should receive only scholars of good character, and all scholars were required to reside in the Halls of Principals 'lawfully approved and admitted by the Chancellor and Regents[5].' Probably at some earlier date a Statute had been passed to forbid a manciple or servant, though himself a scholar, from being Principal of a Hall[6], and in 1432 the University took the important step of restricting the Principalship to graduates (though even after this a Principal might be merely a Bachelor of Arts); and it is noticeable that the Statute now passed recognizes the

[1] *Mun. Acad.* pp. 14, 470. Principals are also required, even in the more ancient Statutes, to report to the Chancellor scholars not attending lectures and otherwise offending. *Ib.* pp. 93, 427.

[2] 'Nullum statutum aulare in Oxonia liget nec obliget aliquem de aula si Cancellarius contradicat: et tunc etiam concessum fuit Cancellario Oxoniæ in perpetuum ut ipse licite possit declarare, modificare, et renovare statuta aularia studentium in Oxonia, et nova statuta ex officio suo in aulis statuere, quotiens expediens Cancellario visum fuerit; et istud privilegium concessum fuit Cancellario quod olim Principales aularum et Scholares fecerunt statuta derogantia officio et potestati Cancellarii.' (*Ib.* p. 470.) Evidence of the existence of student-made Statutes is also supplied by the Balliol Statutes. See below, p. 474.

[3] Some of the proclamations by the Chancellor or declarations of custom contained in the Statute-books may perhaps be looked upon in this light, but the private Statutes of the individual Halls were not superseded.

[4] *Mun. Acad.* p. 252.

[5] *Ib.* p. 279.

[6] *Ib.* p. 468.

Principal as bound in some measure to assist his scholars in their studies[1]. At about the same time, during the Chancellorship of Gilbert Kymer, M.D., a code of Statutes was drawn up for the government of the Halls by the Chancellor with the 'advice and consent of the Congregation of Masters and of the Principals of Halls.' Another code—probably the code still extant—appeared in the year 1489[2]. By these Statutes the authority of the Principals was still further reinforced and migration without the consent of the Principal or of the Chancellor peremptorily forbidden. We shall have more to say about the contents of these Statutes in a later chapter. Meanwhile we may note their significance as marking the completion of the process by which the ancient Hall or Hostel was transformed from a private house rented by a society of students into a recognized University institution.

Taxation of Halls: Principals.

As at Bologna and Paris, and in fact in all towns where there was any community of scholars, the principle of compulsory taxation by a joint-board of Masters and burghers was established from a very early period: it is one of the very few parts of the University-system which can be traced back to a period anterior to the Legatine ordinance of 1214. At Oxford the control of the University over the Halls was peculiarly ample. Not only was the owner precluded from letting his house to a layman so long as a clerk was willing to take it, but, if he refused to repair after three monitions, the tenant might execute the repairs and deduct their cost from the rent. Although this custom is not everywhere on record, it is probable that it was widely diffused, since we find almost exactly the same regulations in Universities of distant regions and widely divergent types. At Oxford the Chancellor's ample powers of spiritual censure gave the

[1] It complains of the appointment as Principals of 'non-graduati et cæteris (?leg. cæteri) minus docti coaularesque suos inepti docere.' (*Mun. Acad.* p. 307.)

[2] *Mun. Acad.* pp. 358 *sq.* They are printed below, App. XXIX. Chamberdekyns still survived in 1612. (Reg. K. 22. f. 109.)

CHAP. XII, § 6. University exceptional facilities for enforcing these somewhat high-handed 'customs[1].'

Position of later Halls.

Before the close of the medieval period, most of the Halls passed into the possession either of monastic bodies or of Colleges. This circumstance helped to give the aspect of public and permanent institutions to the few Halls which survived the Reformation and which are now in process of extinction by one of the most vandalistic and unintelligent of our recent University reforms[2]. The Colleges, regarding the Principalship of their Halls as a piece of patronage to be bestowed upon one of their Fellows, ceased to demand anything more than an accustomed quit-rent[3]. As no fresh Halls were allowed to be created, the Principalships passed into important preferments in the hands either of the Chancellor or of the College to which the Hall belonged; and in the course of time the lawyers being puzzled by the anomalous character of these Hall-communities, which *de facto* held and transferred property without any legal incorporation or perpetual succession, devised the legal fiction that their property was held in trust for them by the University. The Earl of Leicester obtained from Queen Elizabeth the recognition of his right to nominate to the Principalship of the Halls (though Queen's afterwards succeeded in making good its claim to the nomination at S. Edmund Hall); but even then traces of the democratic character of the institution remained, and it was still considered necessary to summon the whole Society (including the Undergraduates) to elect the Chancellor's nominee. This ceremony was gone through on the admission of the last Principal of an independent Hall who survives among us[4].

[1] *Mun. Acad.* p. 15; *Stat. Artistarum Patav.* f. xxxii *b*.

[2] All are doomed with the solitary exception of S. Edmund Hall, which is now placed in still closer connexion than formerly with Queen's College. The others have been sacrificed to the cupidity of neighbouring Colleges.

[3] An opinion of the Attorney-General was obtained at the time of the foundation of the first Hertford College (1740) to the effect that Exeter College had lost the right to raise the rent of Hart Hall.

[4] See Appendix XXVI.

Benefaction of Alan Basset.

The earliest benefaction intended to support scholars at the University was of a very simple character. To maintain or 'exhibit' a scholar or two at a School or University was a recognized 'good work' long before the age of Colleges: to found a Chantry for the maintenance of a Priest to say mass for the founder's soul was an equally common expression of medieval piety. Alan Basset, who died in or shortly before the year 1243, conceived the idea of combining a Chantry with a Scholarship. In accordance with instructions contained in his will, the executors arranged with the Prior and Convent of Burcester or Bicester (a House founded by a kinsman of the testator) for the payment of eight marks a year to two Chaplains who should say mass daily for the Founder and his wife, and at the same time study in the schools of Oxford or elsewhere[1]. The Chantries in Oxford Churches no doubt helped many a poor Priest to get a University education; but Basset's exact plan was not followed by later benefactors. Though Alan Basset may claim the credit of providing the first permanent endowment for an Oxford scholar, he can hardly be called the founder of the first Oxford College.

UNIVERSITY COLLEGE (*c.* 1280).

WILLIAM SMITH'S *Annals of University College*, Newcastle-on-Tyne, 1728—by far the best of our earlier College-histories. Cf. Wood's *City*, I. p. 554. The Muniments are catalogued in the *Fifth Report of the Historical MSS. Commission*, p. 477. William Smith also left a large collection of MS. transcripts of documents, &c., connected with the College, which is preserved in the College Treasury.

William of Durham's Bequest (1249).

The original plan of what was in design, though not in actual erection, the earliest of existing College-foundations was hardly on a larger scale than the modest Chantry of Alan Basset. William of Durham, a distinguished Master of Paris, at one time Rector of Wearmouth,

[1] Twyne I. f. 159. I have been unable to trace the original. Wood and Lyte refer to Lincoln Reg. Wells, f. 71, but the Register does not appear to be extant.

CHAP. XII, § 6. at another Archbishop-elect of Rouen[1], died in 1249, leaving to the University 310 marks to be invested in rents for the support of ten or more Masters of Arts studying Theology[2]. The University placed the money in a chest and used it, partly 'on their own business' and partly in 'loans to others' which were never repaid[3]. In this way 110 marks had been spent: only an annual income of eighteen marks remained, which was expended in the purchase of houses[4]. The purchase of the houses was probably intended merely as a mode of investing the money, and it is not clear that either the Founder or the University originally intended that the pensioned Masters should form a community. It was not till after a precedent had been created by other benefactors that the University drew up a scheme for a little community of four Masters who were to live together (with any other scholars who might be willing to board with them) in a Hall which had been purchased as their residence. This Hall is the germ of the present University College, still legally styled Great University Hall[5]. The College probably

Great University Hall, *c.* 1280.

[1] Matthew Paris calls him at one time 'eminentissime literatus,' at another 'vir literatissimus.' He died in crossing the Alps upon his return from the Roman Court. *Chron. Maj.* (ed. Luard), V. 91; *Hist. Anglia* (ed. Madden), III. 67. He was one of the four Masters who in 1229 left Paris for Angers (*Chron. Maj.* III. 168), but I know of no evidence that he headed 'a migration to Oxford,' as is confidently stated by Lyte (p. 31), though this may well have been the case. It is probable that he was not identical with William de Lanum, Archdeacon of Durham in 1234, though they are identified in an inscription in a window of the College. Le Neve, *Fasti*, ed. Hardy, III. p. 302.

[2] This account is taken from the document mentioned on p. 471, note 1.

[3] Smith, pp. 9–13. Some of it was lent to the Barons in the Barons' War. See Adam de Marisco's letter to the Chancellor, *Mon. Franc.* I. p. 257.

[4] Among these was the Hall which the eminent Canonist, William of Drogheda, in 1250 gave to the Prior and convent of Sherborne, who in 1255 sold it to the University (Documents in Treasury). It is still known as Drawda Hall (No. 33, High Street).

[5] Where this Hall was originally situated is completely doubtful. It has usually been supposed that an earlier *Aula Universitatis in vico Scolarum* (Smith, p. 61) was inhabited by William of Durham's Masters, but this is not a safe assumption: the title only denotes that the Hall was the property of the University.

began its actual existence in 1280 or soon after. The earliest extant Statutes were drawn up by the University in that year[1], but were superseded by a fuller code in 1292[2]. Following the example set by the Founder of Merton, the University made the Scholars to some extent a self-governing corporation under the senior Master, who was to receive a double allowance in consideration of his administrative labours. At first he was to act in conjunction with an external Master of Arts, while, in the election to vacant places, the Chancellor and Theological Masters of the University were to act with the members of the community[3]. In 1292, however, the external Superintending Master disappeared, but the College still remained under the government of the Chancellor, the Proctors, and the Faculty of Theology, and by them the vacant places upon the foundation were filled up[4]. How very gradually the little College fought its way to autonomy is illustrated by the fact that so late as 1311, the date of its third code of Statutes, the Community had no common seal and was therefore obliged to borrow the seal of the Rural Dean of Oxford in concluding the agreement between itself and the University[5].

The present site in High Street came into possession of the College in 1332 (Wood, *Colleges*, p. 43). The College removed thereto in or about the year 1343 (Conybeare, in *The Colleges of Oxford*, p. 9). The title *Magna Aula Universitatis* (more simply University Hall), appears in 1381, but the style 'College of William of Durham' was still sometimes used in the time of Elizabeth (*ib.* p. 10). For an account of the forgeries, lies, and impostures which former Masters and Fellows of University have perpetrated in defence of its Alfredian origin, ending with the Millenary banquet of 1872, see Smith, *passim*, and Conybeare, pp. 10–14.

[1] In this year a scheme, containing a short code of Statutes, was drawn up for the foundation of the Society, as appears from a document in the Treasury, partially translated by Wood, *Colleges*, pp. 40, 41. I am much indebted to the present Master (Dr. J. F. Bright) for his kindness in giving me access to the original and to other College documents.

[2] *Mun. Acad.* p. 56.

[3] An attempt was made to elect a Master in 1382, but was seemingly foiled. Smith, pp. 264–266.

[4] Compare the very similar constitution of the Sorbonne at Paris, which very probably suggested this provision, above, vol. I. p. 490. The University, however, retained and frequently exercised the right of hearing appeals from these delegates.

[5] Smith, p. 46. The original of

CHAP. XII, § 6.

Additional endowments.

In spite, however, of the want of any Royal Charter or formal incorporation, the College, according to medieval practice, experienced no difficulty in holding land and other property in its own name, and the possessions of the College and number of its Scholars were gradually increased by successive benefactions. The most important of these additions were three fellowships founded by Walter Skirlaw, Bishop of Durham, in 1403, and three more (with the gift of an advowson) by Henry Percy, Earl of Northumberland, in 1442[1]. In 1377 the College became involved in a law-suit about some of the newly-acquired property[2]. It was to extricate themselves from their legal embarrassments, by procuring the evocation of their cause to the Royal Council-chamber, that the Master and Scholars of University first devised the impudent fiction of a Royal Foundation by Alfred the Great, which has now become part of the Law of England by a decision of the Court of King's Bench[3].

Alfredian myth.

BALLIOL (1261–1266).

Balliol can boast of the earliest of College Histories—a good one of its kind—*Balliofergus*, by HENRY SAVAGE, then Master (Oxford, 1668). *The Early History of Balliol College* by MRS. DE PARAVICINI (London, 1891) reprints most of the documents contained in Savage, and collects some documents and information about the College from other sources. The College Archives are calendared by Riley in the *Fourth Report of the Historical Manuscript Commissioners*, 1874, p. 442 *sq.*

John de Balliol's penance.

In or about the year 1260 Sir John de Balliol, father of the illustrious rival of the Bruce, incurred the wrath of one of those militant Prince-Bishops whom the English

these Statutes is in the University Archives, I. (W. P.) 10 (printed from the Statute-books in *Mun. Acad.* p. 87). The earliest seal appears in 1320. Smith, p. 103.

[1] Smith, p. 219; Wood, *Colleges*, p. 47.

[2] Smith, pp. 107–141. The litigation lasted till 1389.

[3] In 1726, when the visitation of the College was adjudged to the Crown (Ingram, I. p. 6), though there was not a single precedent for its exercise and numerous evidences of the visitatorial rights of the University—a characteristic illustration of the way in which English lawyers have manipulated history.

Kings employed to guard the Northern border against the Scot. The details of the outrage are not known, but we are told by Matthew Paris that the Lord of Barnard Castle had 'unjustly vexed and enormously damnified' the Church of Tynemouth and the Church of Durham[1]. Certain it is, however, that in the year above mentioned, the Founder of Balliol College knelt at the door of Durham Abbey, was there publicly scourged by the Bishop, and undertook to provide a perpetual maintenance for certain poor scholars in the University[2]. The outcome of this involuntary munificence was a College which forms an exception to the general type of English Colleges, and well illustrates the difference between the English College-system originated by Walter de Merton and the earlier foundations of Paris, of which Balliol's original scheme is an obvious imitation.

College established before 1266.

It is certain that the scholars were established in Oxford before June 1266[3]. They were at first supported by annual payments from the Founder, who allowed a commons of eightpence a week to his pensioners[4]. Balliol is thus distinctly in actual fact the oldest of Oxford Colleges. But it was not till 1282, thirteen years after Balliol's death, that his widow Dervorguilla placed the 'House of Balliol' on a permanent footing. Though the Statutes now drawn up[5]

Formal Charter, 1282.

Statutes.

[1] *Chron. Maj.* ed Luard, V. p. 528. Cf. Bliss, *Transcripts*, I. p. 573.

[2] *Chron. de Lanercost*, ed. Stevenson (Maitland Club, 1839), p. 69. The name of Balliol is not mentioned, but the identification is practically certain.

[3] The King directs the Mayor and Bailiffs of Oxford to lend John de Balliol £20 out of the fee-farm of the town 'for the use of the Scholars whom he maintains in the said town.' *Calendar of Scotch Documents*, ed. Bain, p. 476.

[4] *Chron. de Mailros*, ed. Stevenson (Bannatyne Club, 1835), p. 217 (an. 1269). Mr. Lyte (p. 71 *sq.*) was apparently the first writer who discovered this and the above allusions.

[5] The establishment of the College was confirmed by Oliver Sutton, Bishop of Lincoln, in 1284 (Linc. Reg. Sutton, f. 74 *b*; Savage, p. 18). The actual foundation belongs to the same year (*ib.* p. 25; *Report*, p. 442), but the language of the deeds makes it plain that the College existed *de facto* before John de Balliol's death in 1269. A Licence for an oratory was granted by the Bishop in 1293 (Linc. Reg. Sutton, f. 75 *a*; Savage, p. 30), and confirmed by Bull of Urban V in 1364 (*ib.* p. 36).

CHAP. XII, § 6. were later than the earliest Statutes of Merton, they seem to be entirely uninfluenced by that famous Code, and probably embody a constitution already in working order. Balliol College was originally not a land-holding corporation like other Oxford Colleges, but simply a Hall of Students presided over by a Principal of their own election. The finances of the House were entrusted neither to the Principal nor to the scholars, but to two extraneous 'Procurators'—a Franciscan Friar[1] and a secular Master of Arts[2] who paid them their respective allowances weekly, elected to vacant places and generally governed the House after the manner of a Parisian board of 'gubernatores.' Like many Paris foundations, but, unlike most Oxford Colleges, the 'Hall of Balliol' was originally a College for Artists only, who lost their places upon taking a degree in Arts[3]: yet, though the members of the foundation must have been mere boys, the Principal was required to govern them in accordance with Statutes and customs made by themselves. And herein we obtain a most interesting clue to the mode of government (if such it can be called) which prevailed in the ordinary Halls whether the Principal was a Master or not. The College assumed something more like the form of the other Oxford Colleges after the foundation of six theological Fellowships (in addition to the existing sixteen) by Sir Philip Somerville in 1340[4]; twenty-four years after which the privilege of

External Proctors.

A College of Artists.

Somerville's foundation, 1340.

[1] We may perhaps trace the Franciscan influence in the fact recorded in Bp. Sutton's confirmation (Linc. Reg. f. 74 *b*), that many members of the House 'in religione et alibi magnum fructus cumulum produxerunt.'

[2] Later they are called Rectores —a term sometimes used for the Gubernatores at Paris. *Report*, &c. p. 443 *a*.

[3] This was confirmed by a decision of the Proctors in 1325. *Report*, p. 442.

[4] The Statutes for Somerville's foundation are issued by 'Edwardus [Balliol] Dei gratia Scotorum Rex, ex primæva fundatione Magistri et Scholarium aulæ sive domus de Balliolo in Oxonia Fundator.' A somewhat varying copy is found in *Reg. Palatinum Dunelmense*, ed. Hardy, III. p. 381. Somerville created a Master, but left the Principalship untouched. It was clearly intended that (as in Paris Colleges) there should be a Master of the Theologians with a separate Head for the Artists.

studying Theology after Regency in Arts was extended to the original Fellowships by Papal Bull[1]. Somerville's Statutes were superseded by a code drawn up, under Papal authority, by Simon Sudbury, Bishop of London, in 1364[2]. The Statutes by which the College was governed up to the date of the first Parliamentary commission were framed by the Bishops of Winchester and Carlisle, under a Bull of Julius II in 1507, at the request of the Master and Fellows[3]. The original Founder had omitted to place his College under a Visitor, and by Somerville's Statutes the Visitatorial powers were awkwardly divided between the Chancellor of the University, the Bishop of Durham, the Prior of Durham College, and the two extrinsic Masters[4]. The Statutes of 1364 had made the Bishop of London Visitor[5]. The new Papal Statutes bestowed upon the College the unique privilege of electing its own Visitor. After the Reformation, the intrinsic Visitatorial right of the diocesan appears restored by the foundation-charter of Christ Church[6]. It is not very clear by what means the College has recovered the right of electing a Visitor, and there seems some reason to fear that this ancient Society, in acting upon the Papal Bull in defiance of

CHAP. XII, § 6.

Bishop Sudbury's Statutes, 1364.

Statutes of 1507.

[1] College Register. The extended tenure of the Fellowships and an increase of the Commons from 8*d.* to 12*d.* per week were secured by the impropriation of Abboldesley in the diocese of Lincoln, given by Sir William Felton, in 1346 (Paravicini, p. 168), though the endowment did not become available by the death of the Rector till 1361, when Wycliffe as Master took possession of the benefice. (Lincoln Reg. Gynwell, Institutions, pp. 367, 368; Lewis, *Life of John Wyclif*, Oxford, 1820, p. 4.) Wycliffe is mentioned as Master in other documents from 1360. (*Report*, p. 447 *sq.*) The Scholars were at first established in hired Halls occupying part of the present site. S. Margaret Hall, bought in 1284, was the first habitation of their own (*Report*, p. 447), and forms the nucleus of the present College.

[2] Not extant. *Statutes*, p. 2 and *Pref.*; *Report*, p. 443.

[3] *Statutes*, p. 1. Mr. Poole, *Colleges*, p. 30, reminds us that the former prelate was Richard Fox, the Founder of Corpus.

[4] *Statutes*, p. x. The Master-elect had also to be presented to the Lord of the Founder's Manor of Wichenore. *l. c.*

[5] *Statutes*, pp. xx, 2.

[6] The other Colleges mentioned are Oriel. Brasenose, and Lincoln. (Rymer, *Fœdera*, XIV. 1712, p. 757.) The intention may, however, be only to establish the rights of the Bishop as Ordinary, not as Visitor.

CHAP XII, § 6. a Royal Charter, may at one time have been liable to the tremendous penalties of *Præmunire*; though any such defect in the Visitor's title is no doubt cured by the new Statutes.

Far more elaborate and original was the design of Walter de Merton, the true Founder of the English College-system. But before approaching this part of our subject it will be well to notice the growth of those Houses by which at Oxford as at Paris the conception of an academical College must have been to a large extent suggested—the Colleges of the Regulars. The establishment of the Mendicant Orders in Oxford has already been sufficiently dealt with. It will be enough, therefore, to notice the Colleges of the older Orders, which, being entirely designed as places of study, were more closely analogous to the secular Colleges than the Convents of the Mendicants.

THE MONASTIC COLLEGES.

The example of the Mendicants was tardily followed by the older religious orders. The days were over in which the Benedictine Monasteries had been the repositories of the learning of the age. As places of education they had been completely superseded by the growth of the Universities: as houses of learning their reputation had decayed with the decay of the positive or contemplative Theology which had once flourished within their walls. Only very tardily were they shamed by the intellectual activity and consequent fame and influence of the Mendicants into somewhat feeble efforts to rescue their orders from the reproach of entire ignorance.

Gloucester Hall. In 1289 a Chapter-general of the Benedictines held at Abingdon imposed a tax of *2d.* per mark upon the revenues of all the Benedictine Monasteries in the province of Canterbury, for the purpose of maintaining a Hall at Oxford as a Studium for their monks[1]. Four years later,

[1] The documents are printed in Reyner, *Apostolatus Benedictinorum in Anglia*, Duaci, 1626, App. pt. i. p. 53 *sq.*—some of them reproduced

John Giffard, Lord of Brimsfield, established a House, henceforth known as Gloucester Hall, for thirteen monks from the great Monastery of S. Peter at Gloucester; but in 1291 this House was apparently thrown open to all Benedictine Convents in the southern province, though John Giffard's benefaction must (it may be presumed) have still been enjoyed by Gloucester alone. Gloucester Hall thus became an independent College, and its Prior ceased to owe any special allegiance to the Abbot of Gloucester. The House was under the general government of the Benedictine Chapter-General and its Presidents, who elected the Prior. The expenses of each monk (except the thirteen from Gloucester) were defrayed by his own House, each Convent being obliged to send one or more scholars to Oxford [1]. The old buildings of Worcester College still exhibit the arms of some of the chief English Monasteries, which are no doubt to indicate the separate staircases built by and appropriated to their respective Houses [2].

CHAP. XII, § 6.

At nearly the same date we find Benedictine Monks from Durham—the greatest Monastery of the Northern province—sent by their then Prior, Hugh of Darlington, to study at Oxford [3]. Richard of Hoton, who succeeded him 1289, began the erection of a College-building [4]. Richard

Durham College.

in Dugdale, *Monasticon*, ed. Caley, IV. 1823, p. 407 *sq.*; *Hist. Mon. S. Petri Glouc.* ed. Hart, 1863, I. p. 32; *Annales Monastici* (*Worcester*), ed. Luard, IV. p. 488; *Chron. Petroburgense*, ed. Stapleton (Camden Soc. 1849), p. 31. Wood deals with Gloucester College in *City*, II. p. 248 *sq.* I have been unable to find any confirmation for Wood's statement that a *Studium Generale* of the Benedictines at Oxford is mentioned in 1175. Cf. also Mr. Daniel's Art. on Worcester College in *The Colleges of Oxford*, p. 425 *sq.*

[1] Wilkins' *Concilia*, II. pp. 595, 714, &c.

[2] The Monks had their own Regent in Theology. Reyner, App. pt. iii. pp. 105, 107, 134–136, 162, 177, &c.

[3] 'Monachos misit Oxoniam ad studendum.' Robertus de Graystanes ap. *Hist. Dunelm. SS. Tres* (Surtees Soc.), ed. Raine, pp. 72, 73.

[4] *Ib.* p. 73. The following statements rest on *Hist. Dunelm.* p. 138, with the documents printed by Raine in his Appendices, and in Wilkins, *Concilia*, II. p. 613 *sq.* Cf. Dugdale, IV. p. 676 *sq.*; Wood, *City*, II. p. 263 *sq.*; Blakiston in *Colleges of Oxford*, p. 323 *sq.* A number of documents relating to the College (once in the possession of the Dean and Chapter of Durham) are copied in Twyne, II. f. 32 *sq.*

CHAP. XII, § 6.

de Bury, Bishop of Durham, greatest of medieval bibliophils, contemplated its permanent endowment[1]: and actually bequeathed to it the invaluable Library which he had collected at Auckland. His successor, Thomas de Hatfield—the magnificent builder of the Castle Hall and the Episcopal throne at Durham—actually entered into an agreement with the Prior and Convent for the joint-endowment of a College for eight monks and eight secular scholars: but the project was not completed till after his death in 1381, when it was undertaken by the Convent under an agreement with Hatfield's executors. By Bishop Hatfield's Ordinance the monastic students of Theology and Arts were placed in the position of what would afterwards have been called Fellows or full members of the Society: the secular students of Arts and Grammar, who held their places for seven years only, waited upon the Fellows, sat at a second table in the Hall with the servants, and were in fact mere servitors of the lordly Monks of Durham. The Library built to hold the treasures accumulated by de Bury[2] still forms a connecting link between the ancient monastic House and the modern Trinity College erected on its ruins by Sir Thomas Pope in 1554.

Canterbury.

The Monks of Christ Church, Canterbury, had a Hall of their own in or near the site of the present S. Edmund Hall as early as 1331[3], (besides a house in Gloucester College), which, however, they sold to the Monks of Westminster after acquiring a regularly endowed College of their own in Canterbury Hall, to which we shall return hereafter[4].

[1] He bound himself in 1338 to fulfil a vow made to that effect by Edward III on the field of Halydon, on condition that the King would abandon his claim to the Advowson of Symondburn. *Reg. Palatinense Dunelm.*, ed. Hardy, III. pp. 210, 211.

[2] That the Bishop intended his Library for Durham College is proved by *Philobiblon*, cap. 18 *sq.*, where he lays down elaborate regulations for its use. That he actually gave it is doubted by his latest editor, Mr. Thomas (*Philobiblon*, p. xxix), but without sufficient reason.

[3] *Literæ Cantuarienses*, ed. Sheppard, 1887–9, I. pp. 358, 392. It is described as 'situatam juxta ecclesiam Sancti Petri in Oriente, ubi solebat Dominus Archiepiscopus manere.' S. Edmund Hall possibly marks the site, though others often refer the name to a former owner called Edmund.

[4] *Ib.* III. p. 14.

CHAP. XII, § 6.

The Cistercian Abbey of Rewley, founded by Edmund, Earl of Cornwall, in or about 1280[1], has usually been looked upon as an independent monastic House rather than a College; but it was founded to serve the purpose of a College for students from other Houses, and is often spoken of as the 'Studium' of the Order[2]. Other Cistercians, however, resided in Halls temporarily hired for the purpose, till in 1432[3] Archbishop Chicheley, the founder of All Souls', founded, on the site now occupied by S. John's, a College of S. Bernard, though the Provisor and scholars continued to be supported by their respective Houses[4].

Rewley.

Cistercian Studium.

S. Bernard's.

In the same way the Canons Regular of the Order of S. Augustine acquired in 1435 a College known as S. Mary's College, to which Canons were sent from all the Houses of the Order[5]. It was situated on the site of a house now known as Frewen Hall; and a touch of historical interest is still imparted to the little ruin in New Inn Hall Street by the remembrance that Erasmus

S. Mary's College.

[1] 'Anno 1280.—Petitionem nobilissimi viri comitis Cornubiæ, qui petit propriis sumtibus ædificare studium nostri ordinis Oxoniæ in Anglia, capitulum generale plenis gratiis prosequens, approbat et confirmat, committens executionem negotii abbati de Thama in plenaria ordinis potestate; ita quod eisdem libertatibus, juribus, et dispensationibus per omnia gaudet ille locus, quibus gaudet studium B. Bernardi Parisii (*sic*), et studentes monachi in dicto studio de diversis abbatiis congregati; et dictus abbas de Thama curam habeat dictæ domus, sicut et studii sancti Bernardi venerabilis frater domus Claræ-vallis.' Doc. in Fortunato de S. Bonventura, *Historia da real Abbadia Alcobaça*, Lisbon, 1827, Provas, p. 7. Some other notices about Rewley are collected by Mr. Little in *Eng. Hist. Rev.* Jan. 1893.

[2] *Annales de Dunstaplia*, in *Ann. Mon.* ed. Luard, III. p. 287; Dugdale, V. p. 697.

[3] Dugdale, V. p. 745. The foundation deeds are preserved in a Cistercian Register of Privileges, Univ. Coll. MS. F. 93 *b*.

[4] Since the building was unfinished half a century later (*Proceedings of Somersetshire Archæol. Soc.* VI. p. 60 *sq.*), and the Monks were supported by their Monasteries (Wood, *City*, II. p. 308), it is clear that Chicheley could not have done very much for them. Cf. *Fourth Report of Hist. MSS. Com.* p. 469. The Statutes of 1446 were given not by Chicheley but by an Abbot named by the Chapter-General. (Smith MSS. XIII. p. 303.)

[5] Rot. Pat. 14 Hen. VI. p. 2, m. 19. The Statutes of this College, which had long disappeared, I found in 1890 in an unnumbered volume of the 'Rawlinson Statutes' in the Bodleian Library. Cf. Wood, *City*, II. p. 228 *sq.*

CHAP. XII, § 6.

took up his quarters there during his residence in Oxford[1]. In the same year the Canons Regular of Oseney turned their dependent House of S. George's within the Castle into a College for their own young Canons as well for other seculars under a Warden chosen from their own number[2].

S. George's College.

Unimportance.

These monastic Colleges possess very little importance in the history either of learning or of education. Monks never applied themselves cordially to the scholastic Philosophy or Theology. The older monastic Orders never produced a single great Theologian from the days of S. Bernard till the reign of the Scholastic Theology was over and was superseded by an age of learned Theology. The aim of these monastic Colleges was probably very simple and practical. It was only a select few of the younger monks who were sent to them. What the monastic Houses wanted was not to produce great Theologians or to contribute to the advancement of Learning, but simply to have a few instructed Theologians capable of preaching an occasional sermon to their brethren and of imparting an elementary theological education to the novices. Another purpose which probably interested the average Abbot more than the educational needs of his House was the supply of Canonists competent to transact its legal business and to represent it in the ecclesiastical Courts.

Services of Monks to Literature.

The real services of the monks to literature in the later Middle Age lie in a field quite alien to the studies of the Universities. To the Monasteries belongs the credit of producing the great mediæval historians. The Benedictine monks of this period were above all things men of the world: their point of honour was a devotion to the interests of the House: their intellectual interests lay in its history and traditions. As a body they had as little interest in the controversies of the age as they had in the practical work of

[1] Richard Charnock, the Prior of this House, is praised by Erasmus in *Ep.* xliv. (*Opera*, Lugd. Batav. 1703, T. III. c. 42.) A letter dated from S. Mary's College is printed, *ib.* T. IV. c. 1791.

[2] Cf. Wood, *City*, II. p. 180. Mr. Lyte does not notice the existence of this College. The Statutes are preserved in the same volume as the S. Mary's Statutes mentioned above.

the Church. Both Theology and preaching were abandoned to the Friars. The consequence was that no great Schoolman was a monk; while not more than two or three important historians were Friars. It is worth noticing that as the monastic orders sank into a yet deeper quagmire of moral degradation towards the close of the fourteenth century, the number and quality of monastic historians began to fall off[1]. The connexion between intellectual and spiritual vitality, in Societies if not in individuals, is much closer than is sometimes supposed.

MERTON (1263 or 1264).

BRODRICK, *Memorials of Merton College* (Oxford Hist. Soc. 1885), especially valuable for the biography of individual Fellows and for the post-medieval period, has not altogether superseded the *Sketch of the Life of Walter de Merton* by EDMUND [HOBHOUSE, then] Bishop of Nelson, 1859. The *Foundation Statutes of Merton College, Oxford*, with a few other documents, have been published in English by PERCIVAL, London, 1887. A number of documents are contained in that curious farrago, KILNER'S *Pythagoras' School in Cambridge* (no place or date).

The Founder.

Walter de Merton was one of those ecclesiastical civil servants or statesmen who rose to high position in the Church almost before University distinction had become the ordinary passport to a public career. He may have been a student at Oxford; but it is pretty certain that he never graduated there or elsewhere. He resolved to devote the savings of a successful life to secure to future scholars, and especially to his own family, the advantages which he had not himself enjoyed. The chief object of the College was to provide for the education of Theologians, though a limited number of the Fellows might be allowed to proceed in Civil and Canon Law.

It was probably in the year 1263[2] that Walter de

[1] Even in 1345 Richard de Bury complains that 'calicibus epotandis non codicibus emendandis indulget hodie studium monachorum.' *Philobiblon*, ed. Thomas, pp. 42, 43.

[2] For the following particulars it seems sufficient to give a general reference to the printed *Statutes*.

CHAP. XII, § 6.

First foundation of 1263.

Merton made over his Manor House and estate of Malden in Surrey to a community of Scholars. The formal and permanent establishment of the College was effected, and the first Statutes granted in the following year[1]. The nature of this 'House of the Scholars of Merton' has often been strangely misrepresented. It has been spoken of as if the Founder had conceived the design of planting a College of students in Arts and Theology in the midst of the corn-fields of Surrey. So far is this from being the case that the scholars, in whom the property of the house was vested, were nevertheless not allowed by the Statutes to reside within its walls for more than one week in the year at the annual audit. The House was to be occupied by a Warden (*Custos*), who was not (so far as appears) required to be either a Priest or a scholar, together with certain 'Brethren' (a name probably suggested by the lay brothers who farmed the estate of a Benedictine Abbey), at other times spoken of as bailiffs or stewards, whose business it was to manage the property and pay their allowances to the scholars[2]. There was also a provision for certain 'ministers of the altar' who were no doubt to serve the Parish Church, and who lived with the Brethren. The scholars were all originally nephews of the founder; and their number was to be filled up from the descendants of his parents, or (failing a sufficient number of these) other 'honest and capable young men' with a preference for the diocese of Winchester. They were to study in some University, where they were to hire a Hall and live together as a community. The Warden did not accompany them; he was not their Master or instructor, but rather the representative of a rich uncle who intended for all

[1] See the deed in Hobhouse, p. 15 (as to the date, cf. *l. c.* p. 11). From a charter granted by the Earl of Gloucester in 1262 it appears that the Founder had contemplated vesting the property in trust with the Priory of Merton, or some other religious House, on the plan of Basset's foundation: *l. c.* pp. 9, 10.

[2] It is curious to find the Archbishop in 1295 writing '*fratribus* et scolaribus domus scholarium de Merton': he goes on to speak of 'vestre congregacionis cenobium.' (Lambeth Reg. Wynchelsey, f. 175 *b.*)

time to serve at once the Church and his own family by providing for the education of his less wealthy relations; and as such he was no doubt to exercise a paternal control—but a control from a distance—over their conduct at some University.

Provision for possible transfer.

The uncertainty which Merton's first Statutes express as to the place of study arose from the dangers with which dissensions within, and the Civil War without, threatened the continuance of the Oxford Studium. The Statutes are dated in the very year of the Northampton Secession, and the foundation clause contemplates not merely the possibility of a removal of the Studium from Oxford, but of a state of things in which it might be expedient for his scholars to transfer themselves to Paris or elsewhere. It is worth mentioning that the Founder in 1269–70 acquired a House at Cambridge for his College[1], no doubt in view of the possibility of a migration to that University.

Statutes of 1270.

As a matter of fact, however, Walter de Merton's scholars were from the first established in a Hall at Oxford. By the second body of Statutes, which was given to the community in 1270, their corporate life at Oxford is more fully regulated. There is now to be one Sub-Warden at Malden and another to preside over the students at Oxford; but it does not very clearly appear whether the Warden is intended to reside at Oxford during term-time. The Founder had long been engaged in acquiring property in Oxford. In the course of the years 1265 and 1266 S. John the Baptist's Church was impropriated for the benefit of the College; and several houses in its immediate neighbourhood were made over to the scholars. The site thus acquired became the permanent home of the College henceforward known as Merton Hall in Oxford[2]. In 1274 the Founder, now Bishop-elect of Rochester, issued a new code of Statutes, by which the Warden is undoubtedly placed at the head of the Oxford community.

Permanent establishment in Oxford, 1266.

[1] Afterwards known as Pythagoras' Hall—the subject of Kilner's monograph.

[2] Hobhouse, p. 17; Brodrick, p. 5.

CHAP. XII, § 6. These two changes—the move from the hired house to its own property and the altered position of the Warden—are all that is involved in the so-called transfer of the College from Malden to Oxford. The country-house at Malden was still occupied by the Brethren and Ministers as before, and stood in precisely the same relation to the Oxford community, except that the College had by this time acquired other estates, likewise farmed by bailiffs, upon any one of which the audit might now be held. At Oxford the community had become responsible for the services of the impropriated Church: three of the seniors were to serve it as Chaplains: the rest were to attend the canonical hours 'when they could find time for them,' i. e. on Sundays and Festivals. Three Bursars received and administered the revenues of the Society. Besides the Sub-Warden, there were to be 'Vicenarii' placed over every twenty or 'Decani' over every ten, as might be thought desirable. The duty of these Deans consisted mainly in keeping the peace among the cousins. To assist them in the maintenance of discipline, and especially to enforce the rule of Latin-speaking, one of the seniors in each chamber was responsible. This last provision when introduced into Wykeham's foundation at Winchester may be said to have originated what is known as the 'monitorial system.' In the Universities it is not without parallel in other College Statutes, but was naturally superseded when the usual number in each chamber became limited in the later medieval period to two and still later to one: but the Dean still remains, amid all changes in the character of the discipline enforced, the disciplinary officer in most English Colleges.

The Rule of Merton. This careful provision for the maintenance of reasonable order and discipline in the House will not seem superfluous to anyone acquainted with the laxity and licence of life in the University towns of the period. Merton's regulations were destined eventually to produce a revolution in the character of University life in England. His scholars were to be ready upon admission to their year's probation to begin the study

of Arts. After completing their period of necessary regency in the Arts schools, the majority were to study Theology, a few were to be allowed to study Canon, and, as subsidiary to it, Civil Law. As some of the scholars might often be only thirteen or fourteen years old, it was natural that for many purposes only a certain number of the seniors, varying in different cases, should be associated with the Warden in the government of the House. The Society, however, possessed a higher degree of autonomy than most Parisian Colleges. The thirteen senior Fellows elected the Warden: vacancies were filled up by co-optation. In case of disagreement in the election of Warden they were to be starved into unanimity, like an old English jury, by a 'subtraction of victuals.'

Independence of College.

Although the allowance which each might receive from the common fund was strictly limited, the scholars were in a different position to the 'Bursars' of continental Colleges. They were corporate landowners, not (like the scholars of Balliol and many Parisian Colleges) pensioners receiving an endowment administered by others. The Archbishop of Canterbury was merely Visitor with power to enforce the Statutes. So far as appears, the scholars might reside in College throughout the year, whereas at Paris a scholar's connexion with his College usually ceased during the long vacation. In later English College Statutes residence during a great part of the long vacation is actually enforced. Moreover the provision did not terminate with the attainment of the Mastership in the Faculty wherein the scholar had been studying. A fellowship was always voidable upon promotion to a benefice of a certain amount; otherwise it was (as a rule) tenable for life, though later Statutes generally required holy orders to be taken sooner or later as a condition of its retention. We must not, however, fall (with some modern enthusiasts for the collegiate ideal) into the anachronism of attributing to our College founders the enlightened design of providing homes for life-long study or 'research.' Long as was the education of the Theologian or even of the Canonist, it

CHAP. XII, § 6. was gone through as a preparation for active service in Church or State elsewhere than in the University. It was assumed that Fellows would be quite eager enough to take a good living as soon as they could get one: till then the English College-Founders[1] desired to provide for their scholars' maintenance. In so doing they were following the example of Walter de Merton who (it must always be remembered) was providing, as the successful medieval ecclesiastic was expected to provide, for the members of his own family. The life-fellow, whether 'idle' or studious, was a being quite undreamed of by any early College-Founder[2].

The Parvuli.

Walter de Merton undertook to provide for his nephews from their earliest childhood. Besides the full members of the Society provision was made by the original Statutes for the reception and education in the country-house of a few small boys of the Founder's family, who might want the means of providing them with such preliminary instruction in 'Grammar' as would enable them to begin the study of Arts at Oxford. When the Society were lodged in their own house at Oxford, these 'parvuli' were moved into the College or its neighbourhood[3]. The Statutes provided for at least twelve of these 'secondary scholars.' They were to be instructed by a Grammar-master, whom the more advanced scholars might also consult 'without blushing' upon matters pertaining to his Faculty.

Provision for increased numbers.

It should be added that Walter de Merton did not, like some College-Founders, definitely limit the number of his Fellows. During the earliest years of its corporate life, the College property was continually increasing through

[1] In *some* of the Paris Colleges Theologians are allowed to remain till they can get a 'living'—it is not there contemplated that they should be allowed to stay after the offer of a living. But in most cases resignation after the degree is enforced.

[2] This is clearly evident in the Statutes of Queen's (p. 15), which provide that the *refusal* of a benefice (by whomsoever offered) 'occasione morse in ipsa aula ulterius faciendæ' shall vacate a Fellowship.

[3] At one time they appear to have been lodged in Holywell — later close to the College in Nun Hall (afterwards S. Alban's). Brodrick, p. 12.

the supplementary liberality both of the Founder and of other benefactors. It was provided that as many Fellows should be elected as the revenues would maintain. A provision for a similar increase in the number of Fellows proportionate to their increasing wealth is found in many College Statutes even where the original and normal number is prescribed. It is probable that these provisions have very seldom been observed. Already in 1284 Archbishop Peckham complains of the excessive and unstatutable salary which the Merton Fellows had assigned to the Brewer and the Cook and of the increase which they had voted to their own allowance of 50*s.* per annum to defray the cost of 'delicate living[1].' By 1425 the College had even ventured on diminishing the number of Fellows[2]. The history of the English Colleges is one of increasing wealth and increasing luxury secured by unearned increments and some perjury. Such a result is due largely to that freedom from external financial control of which Walter de Merton set the example. On the other hand, the interest of English Fellows in their property has prevented the waste, dissipation, and loss of College revenues of which the history of Paris supplies so many examples.

Advowsons.

The Founder's care of his academic family did not cease with the conclusion of their studies. Advowsons were often acquired by College-Founders simply in order to impropriate the Rectories, which was, of course, very much the cheapest way of securing a revenue. But in some of the advowsons acquired by Walter de Merton the Rectories were not impropriated. It appears, therefore, that it was distinctly a part of his purpose at least to give his Scholars their first step upon the ladder of ecclesiastical promotion. Walter de Merton is thus distinctly the founder of that system of College livings which was almost unknown out of England[3] and which has exercised so powerful an

[1] *Statutes*, pp. 41, 42.

[2] *Ib.* p. 46.

[3] Canonries and Rectories were often held and served by members of Colleges, but I do not remember any case of a continental Founder making it part of his design to provide preferment for his Collegians after leaving the College.

CHAP. XII, § 6.

influence for good and for evil over the English Universities and the English Church.

Fellows and Portionists.

In the 'boys' of Merton College the germ may already be discerned of the distinction so characteristic of English Colleges between the full members of the Society, afterwards known as Fellows or Socii[1], and the scholars or inferior and temporary foundationers. A still sharper distinction between the higher and lower class of foundationers was introduced when the body of Portionists (now corrupted into Postmasters) was engrafted on to the Merton foundation by John Wylliott about the year 1380. The Portionists, though possibly not junior to the younger Fellows[2], were a distinctly inferior and poorer class, who had no share, and no prospect of rising to a share, in the government of the House, and were in fact the servitors of the individual Masters, by whom at least from the end of the fifteenth century they were appointed[3].

Buildings.

It forms no part of my plan to trace in detail the architectural history of the Universities: but a word must be said as to the growth of the buildings in this typical English College. It is important to notice the prominence given to the Chapel in Merton's scheme; for, though the Parish Church already existed, the Founder at once proceeded to rebuild it on the scale not of a mere Oratory, like other College Chapels already existing at Paris

[1] Originally the term was employed to denote the relations between those who boarded together in the same Hall. Eglesfield, the Founder of Queen's, is the first Statute-maker who used *socius* to distinguish full members of the Society from inferior foundationers. His example is followed by Wykeham, the 'verus et perpetuus socius' being distinguished from the probationer. The distinctive use of *scholaris* for the *inferior* members of the foundation is still later. They are denoted by a great variety of terms—*pueri*, *scholastici*, *sizatores* (at Cambridge)—and appear to have been required to act more or less as servants or 'fags' or humble companions to the actual Fellows. Gradually—in post-medieval times—we find the class differentiating itself into 'Scholars' or foundationers who had no share in government but who had no menial duties, and 'servitors' or 'sizars,' who still performed such duties. 'The Master (or President) and scholars' still forms the official designation of the Head and Fellows in many Colleges.

[2] Brodrick, *Colleges of Oxford*, p. 19.

[3] *Ib.*, p 69.

or elsewhere, but of a considerable Collegiate Church. The high altar was dedicated in 1277, the year of the Founder's death, though the building was not yet finished. Walter de Merton thus at once emphasized the ecclesiastical aspect of the English College (though in other respects his foundation was much less ecclesiastical than later Colleges) and founded a certain tradition of architectural magnificence in which there is some reason to believe that the English Colleges long surpassed those of other countries. Another feature in which Merton served as the type of later Colleges cannot be attributed to the deliberate design of the Founder. It was only gradually that the buildings assumed the familiar form of an Oxford Quadrangle. 'The system of this first College seems to have been to keep the buildings separate: the collegiate quire with its vestry on the right hand of the courtyard; the refectory [of which the doorway appears to belong to Merton's original plan] opposite to the entrance, with its kitchen and offices beyond; the Master's *hospitium* on the left; and the scholars' *hospitium* as a separate dwelling also. On the south side of the church there is now a real quadrangle, called Mob Quadrangle, of great apparent antiquity, which nevertheless is the result of a gradual accumulation of buildings. The northern side is formed by a range of chambers of the sixteenth century standing within ten feet of the quire buttresses, but, previous to the building of this range, the northern side was formed by the church itself. The eastern side contains the vestry and the treasury, both of Merton's time; and it is completed by a range of chambers of uncertain date. The west side was at first formed by the wall of the south transept (now covered by the north range), and by part of the library, begun about 1376, long after Merton's time. This library returns and closes the quadrangle on the south[1].' By the time that the venerable quadrangle was complete, other quadrangles already existed at Oxford and Cambridge. The earlier of them arose from

[1] Willis and Clark, *Architectural History of Cambridge*, III. p. 250.

CHAP. XII, § 6. the loose arrangement of buildings round a Court, but at last the quadrangle was adopted as the natural form in which College buildings might be deliberately planned. The quadrangle of Corpus Christi College, Cambridge, is said to have been the first originally planned close quadrangle. At Oxford the form almost accidentally assumed by the buildings of Merton was deliberately adopted by the Founder of New College, whose 'buildings served as a model for all the large foundations which were subsequently undertaken[1].'

EXETER (1314–1316).

Life of the Founder in OLIVER, *Lives of the Bishops of Exeter*, 1861, p. 54 *sq.* BOASE, *Register of Exeter College* (privately printed), Oxford, 1879, with some documents and a Preface which amounts to an interesting College History. There is a second and enlarged edition of this very learned work, without the Preface (Oxford, 1893–4), and another revised edition with the original Preface expanded into an ample 'History' but without some of the Latin documents (Oxf. Hist. Soc., 1894). My references are to the first edition. The muniments are calendared in the *Second Report of Hist. MSS. Com.* p. 126 *sq.* The Statutes of this College were not printed for the University Commissioners.

In the College founded by Walter de Stapeldon, Bishop of Exeter, in or soon after the year 1314[2], we return once more in some respects to the simpler type of College prevalent at Paris and represented at Oxford by Balliol. The main endowment of the College—consisting merely in two impropriate Rectories and an acre of land in Cornwall—was vested in the hands of the Dean and Chapter of Exeter, who paid over the revenue to the College[3]. A single scholar served the College as Chaplain and studied Theology or Canon Law: the remaining twelve were all Artists, to be chosen from the diocese of Exeter, and lost their places upon completion of two years' Regency in Arts. But, though a College of Artists, the scholars

[1] Willis and Clark, III. p. 256.

[2] *Reg.* pp. i, 1. The first extant 'Ordinance' of the Founder is dated 1322 (*ib.* p. xl). The Statutes of Sir Wm. Petre give 1316 as the date of the Foundation.

[3] *Reg.* pp. xii, xliv, xlvi, &c.; Boase, in *Colleges of Oxford*, p. 77.

enjoyed an even fuller autonomy—in everything except the management of their property—than other Oxford Colleges. The Rector was elected by themselves, but held office only for a year. Stapeldon was a Canonist, and it is impossible to doubt that he must have got the idea of this democratic arrangement while studying Law at Bologna or some other Southern University. The scholarships were filled up by the College itself and were restricted to natives of the Founder's diocese, with the exception of the Chaplain-fellow, who was nominated by the Dean and Chapter of Exeter[1]; an arrangement which lasted till the last University Commission. The Scholars were at first quartered in Hart Hall and Arthur Hall, on the site of the present Hertford College: shortly afterwards three houses were acquired on the site of the present Exeter College—a name which eventually superseded the earlier designation of Stapeldon Hall. Although not entrusted with the management of their Cornish property, the College held its Oxford House in its own name, and most of the later benefactions were made to the College directly. In 1566 the Rectorship became a permanent, instead of an annual office[2], and the College was thus practically remodelled in accordance with the now accepted Oxford or Mertonian type of College constitution; but it did not acquire fellowships for Theologians (in addition to the Chaplain) till the new foundations by Sir William Petre in 1566.

ORIEL (1324).

The Charter of Foundation and Foundation Statutes were withheld from the Commissioners of 1853, but were privately printed for the Commission of 1855. I am indebted to Mr. Shadwell, Fellow and late Treasurer, for access to these Statutes and to his transcripts from the College documents. Valuable instalments of the results of Mr. SHADWELL's work upon the College documents has been given us in his contribution to *The Colleges of Oxford*, and in the first volume of his *Registrum Orielense* (London, 1893).

[1] Subject to a veto by two-thirds of the College. In case of disagreement the Chancellor of the University appointed. In other matters the visitation belonged of course to the Bishop of Exeter.

[2] *Reg.* pp. lii, 40. The power of re-election had been granted in 1384.

CHAP. XII, § 6. The Statutes printed for the Commission of 1853 are those drawn up by the College in the year following the Foundation. *Second Report of Hist. MSS. Com.* p. 136.

Foundation and Statutes.

The fifth Oxford College was more important than any of its predecessors except Merton: and its original Statutes are copied almost *verbatim* from the 'rule' of that House. In the year 1324 Adam de Brome, Clerk in the Chancery, Almoner of Edward II, and Rector of S. Mary's, Oxford, acquired a Hall known as Tackley's Inn on the South side of the High Street[1] near S. Mary's Church: and therein established a 'College of Scholars in Theology and the Dialectical Art.' A little more than a year later (Jan. 1, 1325–6), however, the possessions of the College were surrendered into the King's hands and the College re-established with the King as its nominal Founder—an arrangement which brought the Royal Chancellor into the position of Visitor[2]. The endowment was partly supplied by the impropriation of S. Mary's Church, whose services were maintained by the College, and its Choir used by its members[3]. A body of Statutes was given to the College by the King in the year of the re-foundation, which was, however, immediately superseded by a code drawn up by the College and confirmed by the Bishop and later by Edward III[4]. This was due to the necessity of dissociating

[1] As Adam de Brome obtained a Royal Licence to buy a messuage for the College, and Tackley's Inn was bought, it is probable that this was the actual residence of the College, if it ever came into substantive existence prior to the Royal re-foundation. As to the locality of the College after this, Mr. Shadwell says, 'It probably was at first established either in S. Mary's Hall, the Manse or Rectory House of S. Mary's Church, or in Tackley's Inn, a large messuage in the High Street, on the site now occupied by the house No. 106.' (*The Colleges of Oxford*, pp. 89, 90.)

[2] The College was governed by the second code (though there are isolated cases of appeals to the Chancellor) till 1726, when the Court of Common Pleas decided that the first Statutes were still in force, and the Crown and not the Bishop Visitor. See Shadwell, pp. 113, 118 *sq.* This is a characteristic piece of lawyers' history.

[3] A Chapel in the College was built by Richard Earl of Arundel, *circa* 1373 (Shadwell, p. 112).

[4] The then Bishop of Lincoln, Burghersh, was an adherent of the now triumphant Queen's party, who used his influence to secure the Visitatorial rights for his See. The consent of the Bishop, which even the Royal

the College from the declining fortunes of Edward II, and the most important change made by the new Statutes was to substitute the Bishop as Visitor for the King or his Chancellor. The College consisted of a Provost and ten scholars, at least Bachelors of Arts, who, after completion of Regency, were to study Theology, except three, who might be allowed to study Civil or Canon Law. The smaller numbers of the College not calling (as at Merton) for many Deans, the Oriel Statutes provide for only one, who here alone is the second person in the College. The Fellows enjoyed, moreover, still more completely than at Merton the autonomy characteristic of the English College. There being no scholars on the foundation below the degree of B.A., no strong line of demarcation is drawn between Artist and Theological Fellows: and all take part in the election of Warden and the government of the House. Certain functions were, indeed, restricted to a limited number of the senior Fellows, and in many later Colleges the greater part of the ordinary business of the College was performed by some such 'Seniority' (to use the Cambridge term); but the choice of a Head and the right of assenting to the use of the common seal were here, as almost always in Oxford, vested in the whole body of Fellows. Even the power of making new Statutes is vested in the Provost and 'ten or eight senior and discreter Fellows with the approval of the Visitor[1].'

CHAP. XII, § 6.

Two other characteristics of the Oriel Statutes deserve notice as illustrating how a Founder's will may modify the whole history of an institution in totally unforeseen ways for centuries after his death. All the original Fellowships at Oriel were unrestricted to any part of England, and there were no 'boys' or other inferior foundationers who enjoyed any right or expectation of succeeding to them. Some close Fellowships were founded at later dates: but never more than six or seven. The rest of the Fellowships

Open Fellowships.

Charter could not dispense with, was not given till after the change.

[1] This provision is taken from Merton, where however, the Visitor's consent was not required.

CHAP. XII, § 6. always remained open to public competition. This peculiarity contributed largely to make an Oriel Fellowship the blue ribbon of University distinction, and constituted it the home first of the liberal movement to which the University owed its intellectual revival, and then of the ecclesiastical movement which has borne so large a share in the re-awakening of the Church of England from its eighteenth-century lethargy. It must not, however, be hastily concluded that local restrictions were always bad. The older English Colleges exhibit (in their original constitution) less local restriction than those of Paris: most county Fellowships are of comparatively late origin and in some cases seem to have been introduced simply to prevent the elections being influenced by a county clique in the College. They certainly tended to check the system of corrupt elections for which open Colleges like All Souls obtained so scandalous a notoriety.

Local habitation.

Soon after 1327 the College moved into a new house, presented to it in that year by Edward III and known as La Oriole, a name which has now superseded its official title, the House of the Scholars of S. Mary in Oxford[1]. The old Rectory of S. Mary's Church was let to a Master and became an independent Hall, though closely connected with Oriel, till once again merged by recent legislation in the College originally (it would seem) partly or entirely housed within its walls. Besides its buildings, S. Mary's College received from Edward III another addition to its property in the ancient Leper-hospital of S. Bartholomew, the remaining buildings of which may still be seen a few hundred yards off the Cowley Road, a mile beyond Magdalen Bridge[2].

[1] It was also known as the King's Hall. 'La Oriole' was probably occupied by the College in 1329 (Shadwell, p. 91).

[2] For its history, see Wood, *City*, III. p. 504. The College was afterwards accused by the Hospital of stealing from it the skin of S. Bartholomew and other relics for the enrichment of S. Mary's. Inquisition of 14 Rich. II. n. 138 (Twyne, II. f. 45).

QUEEN'S (1341).

The Muniments are described in *Second Report of Hist. MSS. Com.* p. 137, and *Fourth Report*, p. 451. For the life of Eglesfield, see Poole in *Dict. Nat. Biog.*

Foundation.

The Queen's Hall, now known as Queen's College, derived its name from Queen Philippa, Consort of Edward III, by whose Chaplain, Robert de Eglesfield, it was founded in 1340. It was placed under the perpetual patronage of the Queens of England, a compliment which does not appear to have won for the College much material assistance from its original recipient, though many subsequent Queens Consort have been among its benefactors. The Statutes of this College are not based upon the 'rule of Merton,' but are of a far more elaborate character, and aim at regulating the whole domestic life of the Society down to such minutiæ as the composition of the College pottage[1], and the washing of the Fellows' heads[2]. In many respects the new departure now taken was followed by later College-Founders: other provisions represent the somewhat eccentric whims of the Founder of Queen's.

Statutes.

The original Society was intended to consist (when the state of its revenues should permit) of a Provost and twelve Scholars, in imitation of our Lord and his Apostles, who were to sit on three sides of the high table only in imitation of the conventional representations of the Last Supper (a custom still observed at Queen's) and to wear blood-red or purple robes in remembrance of Christ's Passion. The Fellows—these are the first Statutes in which the term *Socii* is the ordinary technical name of the full members of the Society—are still summoned together to dinner by the

[1] 'Item quolibet die fiat potagium congruum et competens, in aliquo vase ad hoc specialiter ordinato, de fabis vel pisis vel utrisque mixtis, de mensura dimidii busselli, Londoniæ, farina avenarum vel hordei competenter immixta, de communi emptis; et singulis diebus anni ad portam cum residuo fragmentorum pauperibus erogetur.' (*Statutes*, p. 33.)

[2] 'Lotrices etiam cameras scholarium vel habitantium quorumcunque in dicta aula non intrent, sed per eorundem barbitonsorem capita eorundem laventur.' *Ib.* p. 33.

CHAP. XII, § 6. sound of a trumpet; in this and other details the Court Chaplain is very anxious to have everything done in Court fashion (*curialiter*). His scholars may talk French instead of Latin at table. Eglesfield is clearly desirous that his scholars shall live in rather better style than the members of previous foundations. Whereas at Oriel, founded but fifteen years before, the Scholar's commons were limited to a shilling a week, rising when the price of corn was high to fifteen-pence, the Fellow of Queen's was to receive a table-allowance of not less than eighteen-pence a week, which might rise to two shillings at the discretion of the College. The provision for servants is also peculiarly ample. The establishment was to include a clerk of the treasury (probably one of the Chaplains [1]), caterers and dispensers, a miller to grind the College corn, a baker, a cook, and a scullion [2], a brewer, a porter-barber, a head- and under-gardener, and a night-watchman [3], besides ordinary servants.

Chaplains. Another matter in which the Statutes of Queen's mark a stage in the development of the College system is the increasingly ecclesiastical character of the foundation. A staff of thirteen Chaplains was to be maintained for service of the College Chapel or impropriated Church, if such a Church should ever be acquired in the immediate neighbourhood of the College [4]. Moreover, these are the first Statutes which expressly require the Fellows to take holy orders [5]. Here even the Canonists are required to

[1] 'Unum presbyterum, clericum thesaurarii nominandum cum provisoribus et dispensatoribus.'

[2] 'Unum garcionem coquinæ.'

[3] The duties of this official are peculiar. He is appointed (*Statutes*, p. 32) because 'necessariæ sunt nocturnæ vigiliæ, pro vitando ignis periculo [it is a remakable fact that there have been more fires at Queen's than at any other College], pro excludendo latronum incursu, pro variis etiam insolentiis explorandis . . . necnon pro horis et partibus noctium certius cognoscendis.' The latter function was to be performed by 'noctis temporibus fistulans consuetis, ut per hoc magis excitentur et sciant tam scholares quam etiam servientes quando melius quiescere debeant et quando melius laborare.' A night in medieval Queen's must have had its horrors!

[4] The Founder probably had his eye upon S. Peter's-in-the-East.

[5] Hitherto the only obligation to take orders arose from the obligation to take theological degrees.

take holy orders within a year[1] and Priest's orders within three years. CHAP. XII, § 6.

Poor Boys.

Besides the twelve 'true and perpetual' Fellows, all of whom were to be Theologians or Canonists, provision is made for the maintenance of twelve 'poor boys.' Their position was very much like that of the 'parvuli' at Merton, but they enjoyed no positive claim or even preference for vacant Fellowships, though eligible for them. For their instruction an Artist and a Grammarian are to be provided: while the Chapel clerks are to instruct them in plain-song[2]. They are to be daily opposed or 'posed in Grammar and Dialectic by the Fellows at dinner before sitting down to their own table. They are to earn the 'alms' that are doled out to them by singing in Chapel, and by waiting at table on Sundays and Festivals[3]. Besides the Chaplains and the 'poor boys,' thirteen poor men and women are to be daily fed at the side tables in hall: and broth is to be distributed daily at the College gate. Altogether in Eglesfield's Statutes the charitable and religious aspect of the College decidedly predominates over the scientific. Next to the desire to provide for the future of his own soul and those of his benefactors and relations, it was the Founder's aim to strengthen the Church in the wild regions of Cumberland and Westmorland: natives of those counties and of parishes whose tithes were impropriated to the College enjoyed a preference, though by no means an exclusive right, in the election to vacant Fellowships. The Archbishop of York, in whose diocese

Visitor.

[1] If illegitimate they are given three years, perhaps to allow time to procure a dispensation. The provision is remarkable, as many College-statutes expressly require legitimate birth. In some or all Universities—certainly at Paris—it was necessary even for graduation.

[2] As nothing is said of their attending Lectures in School Street, and the 'Artist' himself is not required to be a Master or even a Bachelor, it is not clear whether the boys were even to keep terms in the University.

[3] They are to wait only 'cum curialitatis honestas requirit' (p. 29). The name 'Taberdar' (originally given to these boys, but afterwards apparently confined to those of them who were B.A.) was derived from the fact that the tabard was the ordinary dress of Non-Masters.

CHAP. XII, § 6. the chief impropriated benefice was situated, became Visitor, and the College has always retained the character of a North-country foundation.

CANTERBURY (1362).

The documents relating to this foundation are calendared in *Fifth Report of Hist. MSS. Commission*, p. 450 *sq.* Islip's Statutes are printed in Wilkins, *Concilia*, III. 52 *sq.* Other notices occur in *Literæ Cantuarienses*, ed. Sheppard, London, 1887–9, in whose preface (II. p. xxv. *sq.*), the history of this College is fully dealt with. Cf. Wood, *City*, II. p. 275.

Canterbury Hall, founded by Simon Islip, Archbishop of Canterbury, in 1362, is an earlier instance of the attempt successfully made by Bishop Hatfield of Durham to unite Regulars and Seculars on the same foundation. Its failure was no doubt due to the fact that the Seculars and Regulars were here placed on a footing of entire equality, except, indeed, the Chaplain who—as was usual with such 'inferior clergy'—was required to wait on the Fellows and then dine at the second table. There is nothing in the Founder's Statutes to appropriate the College or any of its places to monks: on the contrary, there is the usual provision that a fellowship shall be lost by entering 'any religion.' The Warden was, however, to be chosen by the Archbishop out of three persons presented to him by the Warden and Convent, and it appears that the first Warden was actually a monk of Canterbury. But in 1365 the Archbishop changed his mind, turned out the monk Henry Wodhall from the Wardenship and put in a secular Master, one John Wycliffe, by some identified with the Reformer[1]. An appeal to Rome followed, which was

[1] Lambeth Reg. Islip, ff. 192 *b*, 306 *b*. This John Wycliffe is identified with the Reformer by the Monk of S. Alban's in *Chron. Angl.* (ed. Thompson, 1874, p. 115), and by Wodeford in Wycliffe's lifetime (ap. Shirley, *Fasc. Zizan.* p. 517), but the balance of evidence seems to me to point the other way. There are arguments for the identification in *Church Quarterly Rev.*, Vol. V. p. 129 *sq.* Against it see Shirley, *l.c.*, Lechler, *Life of Wycliffe*, translated by Lorimer, new ed., p. 103 *sq.*; and Poole, *Wycliffe and the Movements for Reform* (1889), p. 68. Wycliffe alludes to the dispute about the College in *De Ecclesia*, ed. Loserth, p. 871.

not decided till 1371, after the accession of a new Archbishop, the Benedictine Simon Langham, by whose favour the monks of Canterbury got a decision assigning not merely the Wardenship but the whole College to members of their own body[1]. In this position the College remained till the Dissolution, with the addition of certain secular servitorships after the model of those in Durham College founded by Archbishop Courtenay[2]. Its memory still lives in the Canterbury Gate and Quadrangle of Christ Church.

NEW COLLEGE (1379).

The old life of the Founder (by MARTIN) *Historica Descriptio complectens vitam ac res gestas Guillelmi Wicami*, Londini, 1597, contains little information about the Colleges. There are a few documents in the two scholarly Lives of Wykeham by Bishop LOWTH (and ed. London, 1759), and G. H. MOBERLY (Winchester, 1887 and 1893). WALCOTT, *William of Wykeham and his Colleges* (Winchester, 1882), still leaves something to be desired as a final work upon Wykeham and his foundations. *Cartæ de fundatione Coll. B. Mariæ Wynton. in Oxon.* (privately printed in 1879). There is a MS. life ascribed to, but really only corrected by, Warden CHANDLER in the New College Library. For some other documents, cf. OGLE, *Letters addressed to Oxford*, Nos. LV, LX, App. No. IV. Cf. also HARPSFIELD, *Hist. Anglicana Ecclesiastica*, Duaci, 1622, p. 522 *sq.*, and *Second Report of Hist. MSS. Com.* p. 132.

New era in College-building.

It has often been observed that the great foundation of William of Wykeham, Bishop of Winchester, marks a new era in the history of College-foundations. Yet it is not so much in any one distinctly original feature as in the greater scale of the whole institution that New College can justly be said to represent a new idea. In many of its features Wykeham's design was but a more splendid realization of the ideal which had floated before the mind of Robert

[1] *Lit. Cant.* II. (ed. Sheppard, 1888), p. 504; Higden, *Polychronicon* (continuation), ed. Lumby, VIII. 365. If the decision was based on Islip's Statutes there must have been a violent perversion of justice. But Courtenay (*Lit. Cant.* II. p. xxx) cites these Statutes as providing that the Warden shall be 'monachus ecclesiæ nostræ.' Mr. Sheppard thinks that Simon Langham issued fresh Statutes which Courtenay mistook for those of Islip, 'since it would be unreasonable to charge Archbishop Courtenay with wilful misquotation.' It is equally possible that a garbled copy was produced by the monks of Canterbury.

[2] Document in *Lit. Cant.* II. p. xxxi; cf. III. p. 184.

CHAP. XII, § 6.

Eglesfield, the Founder of Queen's, who had probably hoped that a large extension would one day be given to his foundation by Philippa or one of the future Queens Consort of England under whose special protection he had placed the College[1]: and he contemplated the possibility of the increase of both the Fellows and Poor Boys till the latter equalled in number 'the seventy-two disciples.' In these hopes, however, he was disappointed, and it is doubtful whether the funds of the College at first sufficed even for the maintenance of the elaborate establishment provided for in the Statutes. What Eglesfield proposed, Wykeham accomplished.

Foundation.

Wykeham's New College at Oxford appears to have entered upon a *de facto* existence not later than 1375, the Scholars being lodged in Hart Hall and other adjoining buildings[2]: but the foundation-charters were not granted till 1379. In 1386 the Society entered in solemn procession into the splendid habitation which their Founder had been preparing for it in an unoccupied corner within the walls of the town. To this year also belongs the earliest extant draft of the Founder's Statutes: in their final form they date from 1400[3].

School at Winchester.

The originality of Wykeham as a College-Founder is almost eclipsed by his originality as the Founder of the first English public-school. There had been indeed Colleges for Grammarians only at Paris, and Grammar Colleges were not unknown in connexion with great Cathedral Schools elsewhere. Winchester College was the first elaborate foundation for the purely grammatical education of boys which had yet been established out of connexion with either a Cathedral or a University. In the

[1] Eglesfield passed his old age in the College of his foundation, and appears to have so completely impoverished himself by his munificence that his personal expenses—down to the cost of shoeing his horse—had to be defrayed by the College. Ingram, I. p. 3.

[2] Lowth (1759), pp. 184, 185; Moberly, p. 103.

[3] Lowth, pp. 189, 190. The Papal Bull confirming his Statutes and exempting his College from all ecclesiastical jurisdiction, except that of the Bishop of Winchester, is dated 1398 (*ib.* p. 194).

place of the seventy-two young scholars whom Egles-field had thought of establishing in his Oxford College, Wykeham more wisely provided for his seventy young scholars a separate College and School at Winchester. From the scholars of Winchester and from them only—with a preference for certain dioceses—were to be chosen the seventy scholars of 'S. Marie Colledge of Winchester in Oxford.' On arriving at Oxford the boy, already not less than fifteen years of age, was to be ready to enter at once upon the course in Arts as a probationary scholar. After two years' probation he became a full Fellow. As might be expected in so young a Society, only the officers—the Sub-Warden, five Deans, and three Bursars, together with a certain number of the seniors, varying in different cases, but usually eleven—were associated with the Warden in the government of the House: but the youngest full Fellow—even below the degree of B.A.—was accorded the essential right of full membership in an English College, a vote in the election of Warden. In the conduct of its legal business a prominent share was assigned to the senior Canonists and Civilians. Ten Fellows were to study Canon, and ten Civil Law: the rest were to be students, first of Arts, and then of Theology. Artists were required to take Sub-deacon's orders within two years, and Priest's orders in the following year: in the case of Civilians and Canonists the step was postponed. Two Fellows might be specially allowed to study Medicine, and two others Astronomy: even these were required eventually to proceed to Priest's orders [1].

Tutors.

Among the other original features of the New College which give Wykeham an important place in the history of education is his provision for the tuition of his scholars. It has been already observed that the resident Head of a Parisian Arts College was a Regent whose primary function was to supplement the education of the Schools by private instruction. At Oxford the primary function of the Head

[1] In the case of Medici, 'post-quam inceperint et rexerint per triennium,' since a Priest was forbidden to be a Regent in Medicine.

CHAP. XII. § 6.

was to manage the property and rule the House: in the earlier College Statutes no provision is made for the education of the Scholars except in the case of the 'boys' of Merton and Queen's. Wykeham's Statutes supply this deficiency, not by entrusting the educational supervision of the younger members of the Society to the Head as at Paris, or to a single Artist as at Queen's, but by dividing it among the older Fellows, who draw in return an additional allowance from the College funds besides what they may have received from individual pupils[1]. At present, of course, this private teaching was merely supplemental to the 'ordinary' lectures of the public Schools. But nevertheless by these provisions Wykeham became the founder of the Tutorial system destined eventually to extinguish the lectures of the Regents in the public Schools and in time to reduce to insignificance those of the few salaried Professors in the Faculty of Arts whom Oxford gradually acquired.

Liberality of Founder.

We have already noticed the contrast which is presented by the meagreness of the College allowance at Paris and the comparative liberality of the Oxford Founders. To some extent the tradition was begun by Walter de Merton, and this tendency is still further developed at Oriel and at Queen's, and still more at New College. The table allowance is here, indeed, smaller than at Queen's[2]. But the deficiency is amply compensated for by the increased scale of the extra allowance to the senior Fellows for their services as Priests, Tutors, and Officers. Still more striking is the contrast between the magnificent and still extant buildings of New College, and the scanty remains which now survive

[1] *Statutes*, p. 54. This tuition lasted for three years.

[2] At Queen's the Fellows were to be much better fed than the stipendiary Chaplains and poor boys. At New College Fellows, Chaplains and Scholars alike are to receive 12*d.* weekly in plentiful seasons, which might be increased 'necessitate poscente' to 16*d.* in times of scarcity, and to 18*d.* when corn was at more than 2*s.* per bushel. At the same time it is provided that the members of the foundation are to be served 'habendo respectum debitum ad status et gradus . . . , æqualitate communarum . . . non obstante.' Thus practically the Theologian of New College might dine better than the Theologian of Queen's.

of earlier collegiate dwellings. Of all the College buildings erected in Oxford before the foundation of New College not one stone remains beyond the exquisite Chapel of Merton and a small part of its buildings: and these were not finished till after its Founder's death. At New College, the Founder, who had been introduced to his Sovereign's favour by his services as an Architect and Surveyor of the Royal works[1], was at least as much interested in the architectural designs for his foundation as in the compilation of its Statutes, and the buildings remain to this day, in their main outlines, exactly as the Founder designed them to be. Whatever may be thought of his originality as an educational reformer, Wykeham was unquestionably the creator of English Collegiate Architecture. The buildings of New College as a whole embody a complete and original architectural design, worthy of the greatest architect of the day. New College Chapel, still beautiful with the cold beauty of perfect proportion, once splendid with the richest products of medieval sculpture and painting and glass-staining, has well been called Merton Chapel idealised[2]. Though some bays of its unfinished nave were then standing, Merton Chapel perhaps suggested to Wykeham's mind the plan of a Choir with a nave stopping short at the transepts, as the most appropriate form for a College Chapel, which wanted only a spacious Choir for the choral masses and canonical hours, and room for a few side altars at which Fellows and Chaplains might say their private masses. Adjoining was a burial-ground surrounded by a cloister which a Cathedral Church might envy, for daily processions of Chaplains and Choir 'according to the use of Sarum.'

[1] He is probably attacked on this score by Wycliffe in his Tract *Why poor Priests have no Benefices*: 'And ȝit þey wolen not presente a clerk able of kunnynge . . . , but a kechen clerk, or a penne clerk, or wis of bildynge of castelis or worldly doynge, þouȝ he kunne not rede wel his sauter.' *Eng. Works of Wyclif*, ed. Matthew (Early English Text Society, 1880), p. 246.

[2] It is now regaining some of its ancient ornament.

CHAP. XII, § 6. In an angle of the town wall the College buildings cut off an ample garden for the recreation of the scholars, or for the supply of vegetables to the kitchen. For the first time perhaps in the history of Europe a home was provided in which secular priests might be as well housed and enjoy almost as complete seclusion from the outer world as the novice in an old Benedictine Abbey.

Corporate dignity.

The Bishop had once, it would appear[1], thought of founding a Monastery; and he is the first English College-Founder[2] who seems to have conceived the idea of making a College not a mere endowed lodging-house for students, but a house of community which could vie in the splendour of its buildings and the dignity of its corporate life with the great capitular and monastic establishments. In some of the earlier Colleges, the Head was only allowed one room in the College, and was to dine with the Fellows in the common hall. The Warden of New College was to live like an Abbot in a house of his own within the College walls, with separate hall, kitchen, and establishment[3]. His salary of £40 was princely compared with the 40*s.* assigned to the Master of Balliol, or even the 40 marks of the Warden of Merton. Instead of the jealous provisions against burdening the College with the entertainment of guests which we meet with in the Statutes of Parisian Colleges, ample provision is made for the entertainment of important strangers by the Warden in his own house, or in his absence by the Sub-Warden and Fellows in the great hall, as they would have been entertained at the Abbot's or Prior's table in a wealthy Benedictine Abbey. It had been recognized, indeed, by the Founder of Peterhouse at Cambridge, that it would be 'indecent' for the Master to go a-foot, and productive of 'scandal to the

[1] This seems to be a fair inference from *Statutes*, § 68.

[2] In some respects an example had been set by the College of Navarre at Paris, whose Chapel was only dedicated in 1373. It is quite likely that Wykeham may have been to some extent influenced by this example.

[3] The Warden's cook is a man of sufficient social position to dine with the Fellows; his under-cook dines with the servants. *Second Report*, p. 134.

College' for him to ride a hack[1]; he was therefore allowed one horse of his own. But the Warden of New College was to have six horses at his disposal for himself and his attendants when he went on a progress round the College estates or otherwise. The most important of the earlier Colleges had made use of an impropriated Church for their Chaplains to say masses for the Founder's soul, and there the scholars assisted in surplices at the Sunday and Festival Services; though little Oratories had been established at Balliol and elsewhere. Thus the Warden and Fellows of Merton occupied the Choir of the unfinished Church of S. John the Baptist; Oriel College made a similar use of S. Mary's. In the same way, at Cambridge, Michaelhouse used S. Michael's Church; Corpus, S. Benet's. At New College the Chapel forms an integral part, indeed the most prominent feature, of the whole design—larger, richer, and more important than the adjoining hall, as the common hall towers above the humble chambers of the individual Fellows[2].

Prominence of ecclesiastical aspect.

The prominence and splendour of the Chapel in the new foundation is indicative of something more than the completeness of the Founder's architectural design: it represents an increased prominence of the religious—or perhaps we should say ecclesiastical—aspect of the College as an institution. Wykeham had shared the feeling predominant among the laity of his day against the monks, so far as to make his house purely secular. But this feeling arose rather from experience of the almost universal unfaithfulness of religious houses to their rule than from any want of sympathy with the monastic ideal itself. Wykeham, the leader of the political party opposed to Wycliffe and his patron, and one of the greatest of living pluralists, saw that he could better contribute to a revivification of the old Church-system by sending out into the world a continual succession of highly trained ecclesiastics than by filling some secluded

[1] 'Quum Magistrum non deceat . . . ire pedes nec etiam cum domus et Scholarium scandalo conducere *Hakenys*.' *Cam. Documents*, II. p. 14.

[2] The quadrangle was then a storey lower than at present.

CHAP. XII, § 6.

valley with the dwellings of contemplative recluses. All medieval charity was largely inspired by the desire of providing a perpetual succession of spiritual persons pledged to pray for the souls of their benefactor and those in whom he was interested. To pray for one's benefactors was the first duty of medieval piety[1]. But a body of secular Priests could sing masses and canonical hours just as effectively as monks[2] and could in general be provided at a much cheaper rate, while the actual members of the Society were set free for the active labours of the School, and hereafter of the world. 'S. Marie Colledge of Winchester' was in fact a seminary for ecclesiastical students combined with a College of secular Priests bound to the incessant routine of masses and canonical hours.

Prayers and Chapel.

But even the scholars were bound to attend mass daily and to make some return for their Founder's liberality by repeating the Angelical Salutation fifty times with a 'pater' after every five: while in the great hall daily after dinner and supper 'De Profundis'[3] was said with prayers for 'the repose of the soul of William of Wykeham.' These requirements are the more remarkable when contrasted with the conspicuous absence of provision for College worship in the earlier College-foundations except on Sundays and Saints' days. In the Statutes of the College of Harcourt, which were drawn up by the Founder's brother, the Bishop of Coutances, in 1311, we even find Artists expressly exempted on 'legible' days from attending the daily mass[4], and daily attendance at Chapel is clearly not contemplated by the earlier Oxford Statutes. Now, in the reaction against Wycliffism, the religious wants of the students receive more attention: though the religious

[1] So Chaucer's 'Clerk of Oxenforde':

'bisily gan for the soules praie
Of hem that yaf him wher-with to scoleye.'

Prologue, ll. 303–4.

[2] A disposition on the part of Church-benefactors to found Collegiate Chapters of secular Priests instead of Monasteries is a noticeable feature of late medieval times.

[3] The *hymn* Te de Profundis is or was a few years ago still sung in the College Hall of Winchester after dinner on certain days.

[4] Bulæus, IV. 155.

duties enjoined upon them seem to be imposed more for the good of the Founder's soul than their own: and there is as little provision for 'religious instruction' as in other pre-reformation Statutes. Still Wykeham may be allowed the credit of having been the first College-Founder who required his scholars to say their prayers morning and evening and to go to Chapel daily.

The New College privilege.

A word must be said as to the origin of one most singular privilege which Wykeham is supposed to have acquired for his Society—that of being admitted to their degrees without any 'grace' of Convocation after examination by their own Masters alone. This privilege is said to have been obtained by an agreement between the Founder and the University. But there is no evidence of the existence of any such agreement beyond the statement of Archbishop Bancroft in 1607 that the privilege had been enjoyed for more than 200 years[1]. The origin of this New College privilege being veiled in impenetrable obscurity, I venture to suggest the following hypothesis. Since no such document is to be found in the well-kept Muniment-room of Wykeham's College, it is almost inconceivable that it can have originated in any express grant of Pope, King, or University. The only peculiar regulation on the subject of degrees which we meet with in the Founder's Statutes is the prohibition (except in certain specified cases) of suing for graces or dispensations from the time or exercises required by the University Statutes[2]. Now it has been shown in another section[3] that originally no 'grace' was needed except where some of the statutable conditions were not performed, and it has been suggested that the grace gradually became necessary in all cases in consequence of the growing laxity in granting dispensations from these

[1] So Ayliffe, I. pp. 315, 316. *Fellows* of New College are still exempt from the 'supplication' for their degrees. But, as no one can now be a Fellow before taking or at least passing his Examinations for B.A., the distinction has become purely formal.

[2] *Statutes*, p. 49 *sq.* I have already put forward this view in my chapter on New College in the *Colleges of Oxford*, p. 162, from which I have also borrowed some other paragraphs.

[3] Above, pp. 447–449.

CHAP. XII, § 6.

conditions. To New College men alone was it forbidden to avail themselves of such dispensatory luxuries. In course of time it is probable that this abstention on the part of Wykehamists from the 'supplications,' which had come to be regarded as essential to all other candidates, was interpreted as a special privilege dating from a time whereof the memory of man ran not to the contrary. Moreover, Wykeham's Statutes did not merely forbid exemption from the University's tests of competence: they imposed an additional test from which other candidates were free. They required an actual Examination and that too at a time when the University can hardly be said to have imposed an Examination at all in the modern sense[1]. Hence, when the Laudian Statutes introduced a University Examination[2], it was supposed that Wykehamists, who demanded their degrees as of right instead of supplicating for them like other candidates, had the same mysterious claim to exemption from the new, that they had long enjoyed from the old, requirements of the University. Hence they continued to be examined by their own Examiners only. It is a singular illustration of the irony of History that Wykeham's anxious care for the discouragement of idleness in his Scholars should have grown into the means of increasing it in their successors. It is true that the Laudian Examination, even before it degenerated into a mere farce, would have been no formidable ordeal to a College recruited from Winchester. It was only from the institution of Honour Examinations at the beginning of the present century to the voluntary resignation of the so-called privilege in 1834 that this curious historical accident became the means of excluding the noblest of medieval foundations from all participation in that revival of industry which the new Examination Statute brought with it.

[1] 'Si judicio Custodis, Vice-Custodis, duorum Decanorum . . . ac sex aliorum seniorum . . . examinatus, habilis, sufficiens et idoneus repertus fuerit,' *l.c.* See above, pp. 442–444.

[2] *Laudian Code*, ed. Shadwell, p. 88.

LINCOLN (1429).

The account of Lincoln by the Rev. A. Clark in *Colleges of Oxford* (pp. 170–207) is a more than usually original and valuable piece of College history, to which the following paragraphs owe everything but what can be gathered from the printed Statutes. *Second Report of Historical MSS. Commission*, p. 130.

Foundation by Bishop Fleming.

Richard Fleming, the Founder of Lincoln College, was one of those Wycliffite leaders to whom the excesses of its extreme followers or the prospect of preferment or the natural conservatism of maturer years had revealed the error of their youthful ways. His timely tergiversation was rewarded by the Bishopric of Lincoln: and the College which he founded in 1429 was specially for the benefit of the diocese whose name it bears and for the defence of the Catholic Faith against the heresies from which the Founder had so successfully emancipated himself. An oath against heresy was exacted of all its Fellows and in other ways the ecclesiastical character of the foundation is prominent. The three parish churches—All Saints', S. Michael's, and S. Mildred's—then comprised within the narrow limits of Turl Street were impropriated to a College to be styled the College of All Saints of Lincoln, and were to be served by the Fellows themselves with the assistance of hired Chaplains[1]. The three Churches were in fact united into a sort of Collegiate Church under the government of the Rector and Fellows[2]. The whole of the original endowment of the College was supplied by these impropriations: and the Church of S. Mildred was eventually destroyed to make way for some of the buildings of Exeter College.

The Founder, dying little more than a year after the formal foundation, left his College in a very incomplete condition. It had a Rector, but no Fellows and no Statutes: and the buildings had only been begun. The erection of the Hall,

[1] See Rot. Pat. 6 Henry VI, p. 1. m. 8, the *Præfatio* of the Founder, and the *Proœmium* of the second Founder, Rotheram.

[2] A Rector Chori was annually to be appointed for both All Saints' and S. Michael's. The College attended All Saints' on Sundays.

CHAP. XII, § 6.

Completed by Forest

and Rotheram.

Kitchen, and Library (now the Sub-Rector's room) and the Chapel (now the Senior Library) by John Forest, Dean of Wells, has procured for him the position of Co-founder: and the College gradually grew under the hands of successive benefactors, as was often the case with Colleges scantily provided for by their original Founders. The title of 'second Founder' is claimed for Thomas Rotheram, Bishop of Lincoln, who completed the front quadrangle by building its southern side, and increased its endowments both by impropriations and by actual gift, making up the number of its Fellows to twelve. It was, moreover, by Rotheram's influence that the College was extricated from a legal embarrassment which at one time threatened its very existence. Henry VI's original Charter of incorporation had been superseded, upon the deposition of that monarch, by one from Edward IV in 1461–2. Even then the College had some difficulty in securing its endowments against rapacious adherents of the new dynasty, and about the year 1474 it was discovered by the covetous ingenuity of interested persons that the draughtsman of Edward's Charter had omitted after 'Rector and Fellows' the words 'and their successors.' It was now suggested that on the death of the then existing Rector and Fellows the property had lapsed to the Crown—an interesting indication of the growth of stricter views as to the creation of corporations with perpetual succession than had existed at a time when Societies like the University itself assumed to themselves the right of holding property without any Royal incorporation at all. This legal defect was in 1478 cured by the issue of a new Charter.

Rotheram's Statutes.

The College owes its first Code of Statutes ($14\frac{1}{8}\frac{9}{0}$) to Rotheram. They exhibit no feature of special interest. All the Fellows were to be Masters (or at least Bachelors) of Arts on election, to take Priest's Orders, and (with the exception of one Canonist) to study Theology. Both Fleming and Rotheram were natives of York and Bishops of Lincoln, and the medieval Fellowships were divided between their county and their diocese.

ALL SOULS (1438).

MONTAGU BURROWS, *Worthies of All Souls*, Oxford, 1874: *Catalogue of the Archives of All Souls' College*, ed. MARTIN, London, 1877: DUCK, *Vita Henrici Chichele*, Oxoniæ, 1617.

Foundation.

The next two Oxford Colleges—All Souls and Magdalen—are emphatically daughters of New College. The Founder of All Souls began life as a Fellow of New College: the Founder of Magdalen had been Head Master of Winchester, and Wykeham's influence is obviously discernible in the whole plan of the two foundations, in the composition of their Statutes, and in the architecture of their buildings. In 'the College of the Souls of all the faithful departed,' founded in 1438, the ecclesiastical aspect is even more prominent than at New College. The College was designed to pray for the souls of Henry V, the Duke of Clarence, and the Englishmen who fell in the French War, which is believed to have been largely inspired by its Founder, the lawyer-diplomatist-statesman, Henry Chicheley, Archbishop of Canterbury. Chaplains are, indeed, provided to conduct the College services, and the Fellows are not bound to attend the daily mass; but the daily prayers exacted from each Fellow for the Founder and the souls for whose good he had built the College are longer and more elaborate than at New College. The endowments were largely supplied by the confiscated property of the alien priories bought by the Archbishop from Henry VI, who became the nominal Co-founder of the College. All Souls was the first College founded at Oxford by a great ecclesiastical lawyer: and the proportion of law-students to Theologians is naturally large. The College was to consist of twenty-four Artists or Theologians and sixteen Jurists: and the Statutes are carefully designed to maintain the balance between the two elements in the College. On a vacancy in the Wardenship, for instance, a Jurist and an Artist or Theologian are to be presented to the Archbishop of

CHAP. XII, § 6. Canterbury as Visitor, and he is to choose freely between the two. All the members of the foundation (except the Chaplains) were to be of three years' standing in the University on election, and were to become full Fellows after a year's probation. Alone among the Colleges of Oxford, All Souls still consists (but for four Bible-clerks) exclusively of Fellows without either scholars or non-foundation members[1]: and at all events serves the function of reminding us that in their origin Colleges were designed to be primarily bodies of students and not bodies of teachers[2].

MAGDALEN (1448).

BUDDEN, *Vita Gulielmi Patteni*, Oxoniæ, 1602: CHANDLER, *Life of William Waynflete*, London, 1811: BLOXAM, *Register of Magdalen College*, Oxford, 1853, &c.: MACRAY, *Notes from the Muniments of Magdalen College*, Oxford, 1882: *Fourth Report of Hist. MSS. Comm.* p. 468 *sq.* The *Register* unfinished by Bloxam is now being continued by Mr. Macray in a New Series, of which vol. I has appeared (London, 1894.)

The Foundation. The Founder of the last Oxford College which falls within our period was William Patten, known, after his ordination, from his native place as William of Waynflete. When the first steps were taken towards the foundation of a College, he had just been consecrated Bishop of Winchester[3]. The Royal Licence for the foundation of S. Magdalen

[1] Other than the probationers who are styled 'Scholares' in the Statutes. The existing four Bible-clerks of All Souls are not provided for by the original foundation. The Bible-clerk was originally a poor scholar who read the Bible during dinner, and in many cases also waited on the Head or Fellows. At All Souls the Statutes (p. 27) provide for 'unum clericum seu alium servientem honestum qui sibi in mensam (*sic*) in aula et camera sua aliisque locis debite ac diligenter deserviat,' who very possibly acted as 'Lector Bibliæ.'

[2] The peculiar history of this College has been partly due, it would seem, to the Founder's omission to fix a definite property-limit, though all except Founder's kin, or candidates from the College estates, were to be 'pauperiores et indigentiores.'

[3] It seems to me misleading to say (with Mr. Wilson in *The Colleges of Oxford*, pp. 234–5) that the foundation of 1448 was a Hall, and that in 1456 Waynflete 'conceived the idea of improving his foundation at Oxford, by converting it from a Hall into a College.' Every medieval College was frequently called an *Aula* and the foundation was as much a College in 1448 as in 1456. The later Magdalen Hall can claim no continuity with the foundation of 1448, except that it occupied the old premises when deserted by the College.

Hall for a President and fifty Fellows was granted in 1448[1]: and the new Society was promptly established in some Halls bought by the Founder on the South side of High Street, between University College and the present Botanic Garden. In 1456, however, Waynflete obtained from the King a grant of the ancient Hospital[2] of S. John the Baptist, situated upon the Cherwell bank, just outside the East Gate of the City; and the Royal Charter for a new College to be built upon the site thus acquired was granted in 1457. The actual deed of foundation is dated in 1458, when the Bishop was Lord High Chancellor of England. It is worthy of note that all the greater medieval Colleges at Oxford were founded by Bishops who were also Chancellors. No considerable portion of the large fortunes accumulated by English Chancellors has ever been spent upon any public object since Chancellors ceased to be Churchmen, and became married men.

William of Waynflete may almost be said to have passed his life under the shadow of the great monuments of Wykeham's genius. There is, indeed, no evidence that he was on the foundation of New College before his appointment, but he owed his first preferment—the Mastership of the Hospital of S. Mary Magdalen at Winchester—to Wykeham's patronage[3]. As first Head Master and afterwards Provost of Eton (itself an imitation of Winchester), he lived under the Royal Castle at Windsor, which owed so much to Wykeham's architectural skill: he ended his days as Bishop of the Church whose nave the Architect-bishop had re-created. His foundation at Oxford shows how much he had imbibed alike of the architectural taste and of the educational zeal of his great predecessor. Both the institution and its lovely home reproduce, on a smaller and compacter scale, almost every feature of Wykeham's grander work. It is significant of coming changes that the College was partly founded out of the property of monastic Houses which the Bishop obtained leave to suppress—the

[1] Chandler, p. 323.

[2] As to its date, see Clark's note on Wood, *City*, II. p. 533.

[3] Chandler, pp. 19, 20.

CHAP. XII, § 6.

Priories of Sele in Sussex and Selborne in Hampshire[1]. Here Wolsey, whose career began with a Fellowship at Magdalen, may have meditated on the advantages of a larger extension of the same policy.

Attention to Grammar: Demies.

Waynflete—perhaps the first of the great Schoolmaster-Bishops who have played such a conspicuous part in the history of the English Church—was as wisely solicitous as the Founder of the oldest public-school for the proper grammatical preparation of his scholars. But his scheme was to provide for both Grammar and Arts within the same institution. The forty Fellows were to be at least B.A. on their admission to their probationary year, and were to proceed to degrees in Theology or (with special leave) in Law or Medicine. But a younger body of thirty Foundationers—called Demies (*demi-socii*) from their receiving half a Fellow's commons—were admissible at the early age of twelve, and were kept at School under the Grammar-master (*Informator*) of the College until considered by the President and Master fit to enter upon the University course in Arts[2]. The approaching Renaissance was heralded in England by a humble movement of purely indigenous growth in favour of an increased attention to Latin Grammar. The movement had already begun at New College[3], under the scholarly Warden

[1] *Report*, p. 459.

[2] There is a whiff of the Renaissance about the very words of the Statute (p. 16), 'circa grammaticalia et poemata, et alias artes *humanitatis* diligenter insistent et operam dabunt, quod non solum sibi ipsis proficere sed et alios instruere ac informare valeant.'

[3] The new Method seems to have been originated by the first Headmaster, John Anwykyll—a married man by the way—who taught it to his usher and successor John Stanbryge or Stanbridge, and to Robert Whittington, each of whom wrote numerous simplified Grammars; probably also to John Holte, author of *Lac Puerorum* (1497) dedicated to Card. Morton. (Chandler, pp. 253, 254: Bloxam, III. pp. 7–25). It was at Magdalen too that Colet learned the method which he embodied in his 'eight parts of speech' which he dedicated to the first High Master of his School at S. Paul's, the famous Lily, a pupil of Whittington, to whose *Syntaxis* Wolsey wrote a prefatory epistle (Bloxam, I. p. 2). It may be remarked that the Choristers lived in the Fellows' chambers and waited on them. They waited in Hall down to 1802. Bloxam, I. p. xiii.

Chandler, and the Magdalen College Schoolmasters, Stanbridge and Whittington (the first a New College man), authors of the first Latin Grammars which drove Donatus and Alexander de Villa Dei out of English School-rooms, did something to promote its progress: while the Headmastership of the same School formed the first preferment of a patron of Humanism no less illustrious than Cardinal Wolsey. Nor were the labours of these eminent teachers without results for their own immediate pupils. Magdalen —the College of Grocyn (who received his earliest education at New College) and of Colet, the temporary abode of Erasmus—was essentially the home of the Classical Renaissance in Oxford; a strange contrast to the Magdalen of Gibbon's Autobiography, or of the still later period in which its Fellowships had become the wealthiest in England.

No Founder's kin.

Waynflete showed the wisdom of the practical Schoolmaster by giving his Demies only a preference, and not an actual claim, to vacant Fellowships: and it is perhaps due to his sympathy with Masters and Tutors that he abstains from inflicting upon them the Founder's-kin Fellow, who was admitted by most previous College-Founders and who enjoyed peculiarly preposterous privileges at New College and All Souls.

College Lecturers.

Magdalen closes the list of Oxford Colleges which fall within our period. Two innovations in its Statutes (1479) may be noticed as indications of the progress of changes destined ultimately to revolutionize the whole aspect and constitution of the University. We have already noticed the introduction of the Tutorial system by Wykeham at New College. Wykeham's Statute is reproduced almost *verbatim* by Waynflete: and it seems probable that before the middle of the fifteenth century the teaching of Undergraduates (as distinct from Bachelors) was mainly in the hands of Tutors[1] in the Colleges or Principals and their

[1] The word used both at New College and Magdalen is *Informator*. At Brasenose College the word *Tutor* occurs for the first time, but only in reference to the Fellow who is to be responsible for a Commoner. The education of both Undergraduates and B.A.'s is there to be

CHAP. XII, § 6. assistant Regents or non-graduate Lectors in the Halls[1]; though a formal attendance at a certain number of Lectures in School Street was still required[2]. Now a further step was taken in the same direction. Waynflete founded three Lectureships in Theology, Moral and Metaphysical Philosophy, and Natural Philosophy respectively. It is probable that similar lectures were by this time not unknown in other Colleges: and it thus became possible for a student in Arts—and at Magdalen even a student in Theology—to obtain the whole of his education within the College walls. In the Statutes of the next Oxford College, Brasenose (founded in 1509), it is clearly assumed that this would be the case. Lectures continued to be given in the public Schools, but were more and more superseded by the Lectures of Halls and Colleges on the one hand and by Henry VIII's endowed Professorships on the other. The Statutes continued to impose upon Regents the obligation of lecturing, but it became usual to grant more and more sweeping dispensations from necessary Regency, and from the obligation of hearing such Lectures[3], till the latter requirement was abolished

conducted entirely in the College Hall under a *Lector*. It was only by a later change that the main teaching passed from the College Prælectors or Lectors to the single Tutor strictly so called.

[1] In a *Supplicat* of 1456 a scholar in Arts asked to count a term in which he was 'lector in aula.' (Aa. f. 99 *b*.)

[2] See the Statute of 1408 (*Mun. Acad.* p. 241 *sq.* above, p. 456), where it appears that a few books must still be heard *cursorie* from Bachelors in the Schools. Most of the books before determination are to be heard 'in collegio aut in aula lectionatim . . . cum recitatione (?i.e. repetitione) debite subsecuta.'—Notice that the 'repetitiones' are as at Paris characteristic of the College teaching: but even the more informal college lectures (*auditio lectionaria*) are too formal for beginners, and the scholar is forbidden to attend them for *his first two years*, during which he may be presumed to have been occupied with *Summulæ* and catechetical instruction from his private tutor. The Oxford *Statuta Aularia* (c. 1489) require attendance at the 'matutina lectio' and the 'meridiana recitatio' (as to this MS. see below, p. 625).

[3] In the middle of the fifteenth century the system of necessary Regency is still in full vigour, though most of the books before B.A. could now be heard in College, and those still required to be heard 'in scholis' were heard *cursorie* from a Bachelor. After the hiatus in our extant Registers (1463–1505) we find the system on its last legs. In 1449 we

by the Laudian Statutes, and the former was satisfied by dispensing all the Regents except a single 'Ordinarius' in each of the 'seven Arts and the three Philosophies.' These Lecturers were paid by the fees of the dispensed Masters and continued till the end of the last century to deliver their 'wall lectures' to empty benches[1]. CHAP. XII, § 6.

Gentlemen Commoners.

The second noteworthy innovation in Waynflete's Statutes is the provision permitting the admission of *Filii Nobilium* as *commensales*. The admission of persons not on the foundation to board with the Fellows is contemplated in the Statutes of several of the smaller and poorer Colleges of earlier date—in the Statutes of William of Durham's four Masters, of Oriel, and of Lincoln. But these were primarily Colleges of Theologians, and their *Commensales* would be more likely to be brother-students of Theology than mere boys studying Arts. On the other hand Wykeham distinctly forbade the admission of strangers (*extranei*) to live in College, though a few Gentlemen-commoners, educated at Winchester, were eventually received[2]. Waynflete abandoned this restriction, but only in favour of twenty high-born youths, who were not merely to board but to be educated in the College. The language

do indeed find all the Regents of the year allowed to lecture out of School Street (Aa. f. 31 *b*). Had this precedent been followed, the 'ordinary lectures' might simply have been transferred to Colleges and Halls and the University have retained its hold (as at Paris) over College lectures. But a different course was followed. After 1505 the necessary Regency is either dispensed with altogether or reduced to a period of a few days, e. g. there is usually an annual dispensation allowing every Regent to deliver 'unum ordinarium dispensativum omnibus bacallariis audientibus pro eorum lecturis privatis,' or the like. The audience being thus dispensed from attendance, we are not surprised to find that in 1518 the Regents supplicating 'quatenus non teneantur legere ordinaria sua per maiorem partem hore. Causa est quod nulli audiunt eos legentes' (Reg. H 7, f. 6 *b*.) But more than once before this we find all the Masters present dispensing themselves from necessary Regency altogether, e. g. in 1511 (*ib*. f. 141), or after All Saints' Day (*ib*. f. 299).

[1] But when a Professor was endowed for any Art or Philosophy, he became the *Ordinarius*. There were still four unendowed *Ordinarii* in the time of Gutch. *Collectanea Curiosa*, Oxford, 1781, II. p. 39 *sq*. They had acquired the name of Wall Lectures even in Anthony Wood's time.

[2] At first, it would appear, without living within the walls.

CHAP. XII, § 7. of the Statute clearly implies that the Commoner-system had by this time at least gained ground in the University. It is evident that its progress would be likely to keep pace with the growth of College-teaching. At Paris we have seen that both changes had been in progress since the middle of the fourteenth century. As to the time at which the two changes were introduced into Oxford we know little but that the Queen's Statutes are the first which contemplate Arts-teaching within the College walls, that the system was extended by Wykeham, and that Waynflete is the first who expressly authorizes the admission as *Commensales* of boys or young men *in statu pupillari*. The accounts at Queen's, however, make it probable that a few boys were received as commoners at that College as early as 1363[1]. On the whole it is probable that these changes gained ground more slowly and gradually than at Paris; but by the beginning of the sixteenth century the only real teaching in Arts was given within the Colleges and Halls, while by the time of Edward VI the Halls were reduced to a very small number, so that a large proportion of Students in Arts must by that time have been housed within College walls as non-foundation members. It is well known that the Reformation in its earliest phase produced a great diminution in the numbers of the University: and when, under Elizabeth, the numbers began to expand again, no new Halls were created, and the whole increase had to be accommodated in the Colleges and the few remaining Halls.

§ 7. THE PLACE OF OXFORD IN MEDIEVAL THOUGHT.

Oxford influential as a School, not as a Corporation.

In the political and ecclesiastical history of England the University of Oxford, as a corporation, played but a small part. Though its scholastic fame throughout Europe stood second only to that of Paris, and at one

[1] Among others, one John Wyclif, who has been mistakenly identified with the Reformer (*Second Report of Hist. MSS. Comm.* p. 141), e.g. by Shirley, *Fasc. Zizan.* p. xiii.

time hardly second, it had comparatively little international character: it was recruited mainly, though by no means exclusively, from the British Isles[1]. In purely insular politics there were times of disturbance when the students of Oxford could take a side: but the University as a corporation was rarely consulted and rarely ventured unasked to express an opinion, though it was at times invited to send representatives to Convocation and even to Parliament[2]. The political power of the University of Paris was due partly to its situation in the capital, partly to the weakness of the French Kings in face of factious princes and powerful feudatories. Fortunately for England, the English kings were rarely weak. More than once the University was rudely dealt with when it attempted to play an independent part in ecclesiastical politics; even on points of Theology or Canon Law its corporate decisions exercised little influence. It was not as a great semi-ecclesiastical corporation, but as a centre of speculative thought and of religious life, that Oxford contributed to the making of English history. It was through

[1] We do of course hear of foreigners here, especially in the early part of our period. (See § 1 of this chapter, *passim*.) Later on, such intercourse was liable to be interrupted by war. By the treaty of Bretigny in 1360 it was provided that the subjects of each King should be free to study and enjoy the privileges of each other's Universities, 'comme ils povoient faire avant ces presentes guerres et comme ils font au présent' (Rymer, *Fœdera*, T. vii (1708), p. 226). After the renewal of the French war (43 Edward III) we hear of a French scholar being attacked for disobeying the King's proclamation (Twyne, XXIII. 188). At Pembroke College, Cambridge, there was a preference for Frenchmen.

[2] It has usually been assumed that the University returned no Members to Parliament before the time of James I, but Ayliffe (II. App. p. lxxxviii) prints a writ of 28 Ed. I requiring the Chancellor to send 'quatuor vel quinque de discretioribus et in jure scripto magis expertes Universitatis predictæ' to Parliament, though the practice appears not to have been kept up. It is just possible that Wycliffe's appearance in Parliament was in this capacity. See Lechler, *John Wyclif and his English Precursors*, Eng. Trans. by Lorimer, London, 1878, I. p. 211 *sq.* As to Convocation, in 1408 'in concilio cleri celebrato Londoniis, assistentibus Doctoribus Universitatum Oxoniæ et Cantabrigiæ, tractatum est de censu et obedientia Papæ subtrahendis vel non subtrahendis' (Walsingham, *Ypodigma Neustriæ*, ed. Riley (1876), p. 424–5).

CHAP. XII, § 7. her influence upon the religious life of England that the University of Oxford did, as we shall see, at one supreme moment open a new page in the history of England and of the civilized world.

The internal development of the Scholastic Philosophy lies beyond the limits of the present work. It is, however, impossible to understand even the bare external history, whether of the Universities or of the Middle Ages generally, without knowing at least the nature of the questions debated in the Schools and the relations of the parties which arose out of these debates to the ecclesiastical and political movements of the time. I must, therefore, attempt briefly to point out the distinctive part which Oxford played in the history of medieval thought, confining myself almost wholly to what may be called the external history of its philosophical life, without attempting to enter into the inner growth and movement of that great scholastic system which found its first home in Paris and its second in Oxford.

The earliest Oxford teachers.

Enough has been said of the relation between Oxford and the mother University of Paris to make it unnecessary to enter at length into the general character of Oxford studies. The University was originally in all probability a cluster of Parisian Schools transferred to English soil: and, throughout the first century at least of its existence, the relations between the two Studia were of the closest and most intimate character. Whatever was read and taught in Paris was sure sooner or later to be read and taught in Oxford. It by no means, however, follows that the converse proposition would be equally true. And, scanty as is our knowledge of the earliest generation of Oxford teachers, enough remains to make it clear that the intellectual life of thirteenth-century Oxford was something more than a pale reflex of the intellectual life of Paris. Of the three most famous Oxford teachers of the thirteenth century two at least were much more than mere Scholastics.

Edmund Rich.

The first of the three, Edmund Rich, afterwards Archbishop of Canterbury, need only be mentioned here as the first

Master who is actually recorded to have taught the new Logic in the Oxford Schools and the first who is known to have taken the degree of Doctor of Divinity at Oxford[1]. But he was remembered in Oxford rather on account of the ascetic saintliness of his personal character than of any permanent contribution to the progress of thought. The other two, Robert Grossetête[2], and Roger Bacon, the latter almost equal in genius and certainly superior in originality to Albert and Thomas, are commonly numbered —it must be admitted with only partial truth—rather among the critics of Scholasticism than among its creators. Both of them were Schoolmen, but both of them were something more. Grossetête pioneers thirteenth-century Aristotelianism by his exertions in promoting better translations of the Aristotelian treatises than those hitherto in use. The first translation of the Ethics direct from the Greek was made under his directions, though he can hardly be considered the actual translator[3]: and it is tempting to trace back the peculiar and undying affection of Oxford for the Nicomachean Ethics to the influence of her first recorded Chancellor. But Grossetête's interests lay rather in the direction of Physical Science on the one hand, and of Theology on the other, than in the direction of Logic and Metaphysics[4]. His writings show a range and versatility

Robert Grossetête.

[1] He is often said to have been the first to teach the *Ethics* in Oxford, but the true reading of the passage in Roger Bacon is not 'Ethicorum' but 'Elenchorum.' I have printed the passage in Appendix XX. Charles (*Roger Bacon*, p. 315) assumes that the *Soph. Elenchi* were not taught even at Paris till this date, but that is surely impossible. See above, vol. I. p. 434. As to his Doctorate, see the Letter of the University in *Collectanea*, II. pp. 188, 189. Some new documents are printed in Wallace, *St. Edmund of Canterbury*, London, 1893.

[2] There is no evidence that he studied at Paris, though this is asserted by Bulæus and others.

[3] Roger Bacon says expressly: 'Græcum et Hebræum non scivit sufficienter ut per se transferret, sed habuit multos adjutores' (*Op. Ined.* ed. Brewer, p. 472a). Matthew Paris gives the name of his assistant, 'coadjuvante magistro Nicholao Græco, clerico abbatis Sancti Albani' (*Chron. Maj.*, ed. Luard, IV. p. 233).

[4] 'Unde dominus Robertus, quondam episcopus Lincolniensis sanctæ memoriæ, neglexit omnino libros Aristotelis et vias eorum, et per experientiam propriam, et auctores alios, et per alias scientias negotiatus est in sapientialibus Aristotelis et melius centies millies scivit et

CHAP. XII, § 7.

rare indeed among medieval Doctors: he was a French poet, an agriculturist, a lawyer, a physician [1], and a preacher; if he can scarcely be called a Greek or Hebrew scholar, he was at least interested in the study of these languages. Although himself a Scholastic Philosopher largely instrumental in introducing the new Aristotle to the Oxford Schools, he was a decided opponent of the rising Scholasticism in Theology. As Bishop of Lincoln, he endeavoured to encourage biblical study [2], and to keep the line of demarcation between Theology and Philosophy where it had been placed by the old Latin Fathers and the earlier medieval Doctors. The name of Lincolniensis stands high in the theological literature of the Middle Ages, but he is appealed to on the one hand as a Physicist, and on the other as an independent Theologian, as a great ecclesiastical statesman, as a champion of the rights of the English Church against both Pope and King [3] rather than as a Logician or a metaphysical thinker.

Roger Bacon.

Much further apart from the main current of Scholastic thought stands the great Oxford Franciscan, Roger Bacon, the most astonishing phenomenon of the medieval schools [4]. His contributions to the discussion of the metaphysical questions which absorbed his contemporaries, though they eventually exercised considerable influence, made little noise. Entirely free from the ignorant contempt for speculative Philosophy too common among experimental enquirers, he realized none the less the fatal

scripsit illa de quibus libri Aristotelis loquuntur, quam in ipsius perversis translationibus capi possunt' (Roger Bacon, *l. c.* p. 469).

[1] Giraldus Cambrensis, ed. Brewer, London, 1861, I. p. 249. Pegge appends a Catalogue of the Bishop's works to his *Life of Robert Grosseteste*, London, 1793.

[2] *Epistolæ*, ed. Luard, p. 346.

[3] It should be observed, however, that the defiant letter to the Pope, preserved by Matthew Paris, to which he owes much of his fame as an Anglican ecclesiastic, is of very doubtful authenticity. See Jourdain's Essay in *Excursions historiques*, p. 150 *sq.*

[4] The most important book on Roger Bacon is Charles, *Roger Bacon, sa vie, ses ouvrages, ses doctrines*, Paris, 1861; a work of great value, which is still a *desideratum* in the Library of Roger Bacon's University. I may also refer to Professor Adamson's address on Roger Bacon, *The Philosophy of Science in the Middle Ages*, Manchester, 1876.

misdirection of energy which was involved in the concentration of nearly all education and nearly all enquiry upon two or three metaphysical questions, for the proper solution of which the indispensable ground-work had not been laid. Almost all the vices of Scholasticism are pointed out as fully by Roger Bacon as by the great namesake who has on somewhat slender grounds been styled Father of the Inductive Philosophy. The neglect of observation and experiment, the abuse of syllogistic reasoning, the blind deference to authority in Science and Philosophy as well as in Religion—on all these points Roger Bacon, writing in the thirteenth century, is as vigorous a censor of the Scholastic methods as Francis Bacon in the seventeenth[1]. He is no doubt far from having escaped from the meshes of Scholasticism himself. His most penetrating suggestions are often enveloped in a half-mystic haze, from which the writings of the brilliant seventeenth-century man of letters are free: but Francis Bacon's comparative immunity from scientific superstition is due rather to the actual advances in scientific discovery made by the contemporaries to whose achievements he accorded so grudging a recognition than to his own superior originality. Roger Bacon's actual discoveries or anticipations of discovery in positive Science, though they have often been absurdly exaggerated, are at least as important as those of the philosophic Chancellor[2]; and he was free from some of Francis Bacon's most serious limitations. He had a far juster conception of the value of Mathematics, both in education and in scientific enquiry, than was possible to the unmathematical Francis: and he was free from that petulant

CHAP. XII, § 7.

[1] For minor coincidences, cf. with Francis Bacon's 'idola,' Roger's enumeration of the four 'comprehendendæ veritatis offendicula,' viz. 'fragilis et indignæ auctoritatis exemplum, consuetudinis diuturnitas, vulgi sensus imperiti et propriæ ignorantiæ occultatio cum ostentatione sapientiæ apparentis' (*Opus Majus*, ed. Jebb, Lond. 1733, p. 2), and the 'tres magnas prærogativas respectu aliarum scientiarum' (*ib.* p. 448 of experimental Science. But the agreement in general aim is much more remarkable.

[2] Francis Bacon's discovery of the 'form of heat' may be paralleled by Roger Bacon's attainments in optics.

CHAP. XII, § 7. contempt for ancient learning which has endeared the name of Francis Bacon to the Philistines of every succeeding age. While he condemned the excessive authority attributed to the *ipse dixit* of Aristotle, he fully appreciated the value of Aristotle and other ancient thinkers; like all the *esprits forts* of the Middle Ages he was himself somewhat in bondage to the Arabians[1]. But unlike other medieval thinkers, orthodox or unorthodox, he saw that the study of Greek was the true key to the meaning of Aristotle, and a knowledge of the Bible in the original the true foundation for a fruitful study of Theology. All the characteristic ideas of the sixteenth century are held in solution, as it were, in the writings of Roger Bacon, mixed up no doubt with much that is redolent of the age in which he lived: but, of all the anticipations of modern ways of thinking with which his works abound, the most remarkable is his plan of educational reform. He was convinced that the proper basis of a learned education was the study on the one hand of the ancient languages, on the other of Mathematics: these were the proper foundation for the superstructure of Philosophy and Theology, of Medicine and Science[2]. Theology and Philosophy must be studied philologically and historically[3]: Science must be studied mathematically and experimentally.

Bacon's educational theory.

Bacon as Schoolman.

So isolated a thinker as Roger Bacon may be supposed to throw little light upon the general tone of the University with which he was—as it were accidentally—connected. But it is a mistake to imagine that Bacon has no place in the history of the Scholastic Philosophy.

[1] He was a disciple of Avicenna rather than of Averroes, whose 'Unity of Intellect' he rejected Yet the influence of Averroes in Oxford may be due in part to a tradition dating from Roger Bacon.

[2] 'Harum scientiarum porta et clavis est mathematica' (*Op. Majus*, ed. Jebb, p. 57).

[3] 'Impossibile est quod textus Dei sciatur propter abusum libri Sententiarum' (*Op. Minus* in *Op. Ined.*, ed. Brewer, 1859, p. 329). He adds that 'Liber Historiarum [i.e. the *Historia Scholastica* of Petrus Comestor] solebat legi et adhuc legitur rarissime.' The 'Liber Historiarum' is recognized as a possible alternative to the Sentences in a Statute of 125½ (*Mun. Acad* p. 25)—a remarkable peculiarity of Oxford, which, however, soon disappears.

In fact the result of the most recent study of Bacon is distinctly to lower the popular estimate of his achievements in Science, which is largely based on accidental expressions of exuberant rhetoric, and to attribute to him a Scholastic importance hitherto insufficiently acknowledged. All the germinal ideas of that antagonism to the Dominican teaching in which Oxford Philosophy had its origin may be traced in the writings of the 'admirable Doctor.' The successful persecution which prevented any appreciable part of his writings being printed till the eighteenth century is responsible for the non-recognition of his importance even from the purely Scholastic point of view. In his criticism of the Thomist 'Unity of Form' he is the predecessor of Scotus: in his doctrine of Universals[1], of immediate perception without 'real intelligible species,' and of the 'principle of individuation' he anticipates nearly all the fundamental ideas of Ockham. The realistic side of his doctrine was, indeed, common to most Oxford teachers of his time: but he must have contributed something at least to the development of this Oxford criticism, if it cannot all be traced back to him. His nominalistic side was not developed till later, but it can hardly be doubted that Ockham or Ockham's predecessors got their first inspiration from the writings of the great anti-scholastic Schoolman[2].

Bacon not alone at Oxford.

Even on his mathematical and experimental side Roger Bacon was not without predecessors or like-minded contemporaries. He is full of praise for the first generation of Oxford teachers, especially for Grossetête and Adam de Marisco[3], of whose school he must be considered the

[1] 'Universale non est nisi convenientia plurium individuorum' (ap. Charles, p. 383). At the same time he avoided Ockham's mistake of inferring that *therefore* only the particular is real. Indeed the *dictum* was susceptible of a Scotist as well as of an Ockhamist development.

[2] By way of authority for the above, I must be content to refer to M. Charles' admirable account of Roger Bacon's position as a Schoolman (pp. 164–294).

[3] In *Op. Tert.* (*Op. ined.* p. 75) he styles them 'majores clerici de mundo.' Again, 'Nullus scivit linguas nisi Boëtius de translatoribus famosis, nullus scientias nisi dominus Robertus episcopus Lincolniensis' (*ib.* p. 91).

CHAP. XII, § 7.

brilliant product. But, amidst all his laments at the aberrations of his own generation, we find that it was at Oxford that the best Mathematics of the day were taught [1]. The two chief Mathematicians of the thirteenth century (judged by the vogue of their writings) were Oxford men [2]. All through the Middle Ages the greatest Mathematicians were either Englishmen or Italians[3], though in the later Middle Age English Mathematics did not come up to the promise of the thirteenth century.

Contrast between Oxford and Paris.

It is not difficult to understand some of the causes of this contrast between thirteenth-century Oxford and thirteenth-century Paris. Oxford had known no such wild outburst of heresy as the Almarician movement at Paris: consequently there was less reaction, less ecclesiastical repression, less exclusive absorption in theological controversy. Another circumstance which made in the same direction was the fact that the leading teachers of the thirteenth-century Oxford were either Seculars or members of what ultimately proved the less conservative of the two great Mendicant Orders. It is true that the Franciscans had at first chosen what was on the whole the less enlightened side in the great Scholastic debate. While the Dominican Masters were for the most part inflexible adherents of the moderate and philosophically enlightened Aquinas, the Franciscans were divided in their allegiance between the

[1] 'Haec autem scientia [i. e. Perspectiva] non est adhuc lecta Parisius, nec apud Latinos, nisi bis Oxoniæ in Anglia' (*Op. cit.* p. 37). So in *Op. Min.* (*ib.* p. 361) he praises the 'Anglici Naturales' as opposed to the Parisians. Again, 'Non sunt enim nisi duo perfecti [mathematici], scilicet magister Jo. London. et magister Petrus de Maharncuria Picardus. Alii duo boni sunt, scilicet magister Campanus de Novaria, et magister Nicholaus, doctor domini Almarici de Monte Forti' (*Op. Tert.* pp. 34-5). Of these the first was certainly, the second presumably an Oxonian. Cf. *ib.* pp. 43, 46.

[2] Johannes de Sacro Bosco (Holywood), author of the 'Tractatus de Sphæra,' to whom Europe was indebted for the theory of a 'crystalline heaven': and Johannes Pisanus (i.e. Peckham, the Franciscan Archbishop of Canterbury), whose work on Optics perhaps owes something to Roger Bacon. See *Reg. Fr. Johannis Peckham*, ed. Martin, III. p. lviii *sq.*

[3] It is worth mentioning that a fifteenth-century eulogy of the University (Lambeth MS. 221. f. 308 *b.*) claims Campanus de Novara (vol I. p. 250) as an Oxonian.

thoroughgoing Realist Alexander of Hales and the mystic Bonaventura. But neither of these Masters ever acquired the authority which was wielded over the Dominican mind by the Angelical Doctor. In the Franciscan Order there was possibly for a time less intellectual emancipation and good sense, but there was more freedom, more originality. And at Oxford, as in England generally, all through the Middle Ages, the speculative, enthusiastic, often democratic Franciscans were more influential than the sternly orthodox, authority-loving, persecuting Dominicans.

Conservative resistance to Aristotle.

Unlike in many respects as these two earliest Franciscan Doctors may appear, they agree in this—that they resisted the Aristotelianism which Albert and S. Thomas had introduced into the Dominican Theology, and adhered to the old Augustinian traditions which in Philosophy (though not in Theology) had been abandoned by the Dominican Doctor[1]. The Aristotelian innovations of S. Thomas at first met with much opposition even at Paris from Franciscans and Seculars: and the Thomist doctrine which placed the principle of individuation in matter was condemned in 1277 by Stephen Tempier, Bishop of Paris, amid a host of Averroistic theses[2]. But in Oxford the conservative Augustinian tendency was at first championed even by Dominicans. Sixteen days after the Parisian condemnation, the Dominican Archbishop Robert Kilwardby, at a Council held at Oxford, condemned in a much more explicit manner the cardinal Thomist doctrine of the 'Unity of Form' in man[3], and a number of other tenets

[1] The view here taken of the origin of Franciscan tendencies in Philosophy, which throws a flood of light upon the position of Oxford in Scholastic history, I owe to Father Ehrle, *Beiträge zur Gesch. der mittelalterlichen Scholastik* in *Archiv f. Kirchengesch. des Mittelalt*, V. p. 603 *sq.*

[2] *Chartul. Univ. Paris.* I. pp. 554, 556 *note.* The doctrine is attacked by Roger Bacon (ap. Charles, pp. 580, 581).

[3] 'Quod vegetiva, sensitiva, et intellectiva sint una forma simplex' (*Chart. Univ. Paris.* T. I. P. i. No. 474). The Thomist doctrine was that the 'anima rationalis' was the only 'forma' of man, which in him performed the functions which the vegetable or sensitive souls or forms performed in the lower animals. The entire absence of Averroistic theses in the list of errors is remarkable. Cf. Peckham's Letter to the University (*Registrum*, ed. Martin,

CHAP. XII, § 7. which had evidently been maintained by younger men in the Dominican School. While the condemnation at Paris was apparently the work of the Bishop only, and was certainly in opposition to the dominant tendency of the University, the English Archbishop expressly tells us that he had the consent of the Masters. The condemnation was renewed at the Visitation of the Franciscan Archbishop Peckham in 1284[1]. Four years later the same Primate, sitting at S. Mary Arches Church in London, condemned another batch of Dominican opinions, among which significantly appears the position 'that in such matters one is not bound to adhere to the authority of the Pope, or of Gregory or of Augustine or of any other Master whatever; but solely to the authority of the Bible and of necessary reason[2].'

The Franciscan Philosophy

In this conservative Augustinianism, with the consequent antagonism to the Thomist views as to the principle of individuation and the Unity of form, lay the germ of all the later developments of Franciscan Philosophy. Of this philosophical conservatism the centre was Oxford: yet in the long run the Franciscan spirit proved more fruitful in new ideas, both philosophical and theological, than the Thomism, with its new-fangled but immovable Aristotelianism in Philosophy and its conservative orthodoxy in Theology, which reigned at Paris. It is not till the beginning of the fourteenth century that Oxford attained to European fame as a centre of Scholasticism. By this time the tendency towards an independent study of Nature and towards fresh and unscholastic modes of thought, of which there are slight traces in thirteenth-century Oxford, had nearly worn itself out; and Oxford plunged more fiercely even than Paris into the great Scholastic strife. From this time forward the intellectual activity of Oxford far surpasses that of Paris[3]. At Paris itself it is the English Nation that takes the lead. Both the two great Scholastic in-

III. pp. 840, 852, 864), which shows clearly that the opinions condemned were Dominican.

[1] *Ann. Monast.* (Oseney), IV. 298 *sq.*

[2] Peckham, *Regist.* III. p. 923.

[3] See above, vol. I. p. 537 *sq.*

novations of the fourteenth century—the revival of Realism in a totally new form by Duns Scotus[1] and the Nominalistic reaction headed by Ockham—had their origin probably in Oxford, certainly in English minds. The most important fourteenth-century Schoolmen were Oxonians: nearly all the later Schoolmen of any importance were Englishmen, or Germans educated in the traditions of the English Nation at Paris.

Characteristics of fourteenth-century Scholastics.

From one point of view the Scholasticism of the fourteenth century exhibits a decline: the old battle between Nominalism and Realism was renewed, and with even more unphilosophic vehemence than before. It was at this time that Philosophy literally descended from the Schools into the Street, and that the *odium metaphysicum* gave fresh zest to the unending faction fight between North and South at Oxford, between Czech and German at Prague. And yet from another point of view this very descent into the streets exhibits an advance. The range of subjects debated in the Schools of the fourteenth century is wider than that which bounded the horizon of the thirteenth. Scholasticism begins to come into contact with practical life. Out of the somewhat muddy Metaphysics of the fourteenth-century Schools there emerge present-day questions as to the foundations of property, the respective rights of King and Pope, of King and subject, of Priest and people: at Oxford was struck the spark that kindled the torch which was soon to set Europe in a blaze and which was not extinguished at Constance.

Predecessors of Duns Scotus.

The way for Scotus had been prepared at Paris (perhaps at Oxford also) by Henry of Ghent[2], a Schoolman at once cautious and original, who gave a more Platonic turn to the Thomist doctrine of Universals and maintained against Aquinas that matter might actually exist without form:

[1] Scotism may be conveniently treated as characteristic of the fourteenth century, though Scotus began to teach towards the end of the thirteenth.

[2] Born 1223, died 1293. The received accounts of his life are unhistorical. See Ehrle in *Archiv*, I. p. 367 *sq.* The MS. mentioned on p. 526 n. 3 claims him as an Oxonian.

CHAP. XII, § 7.

while at Oxford the Thomist doctrine of the unity of form was attacked by Roger Bacon, Robert Kilwardby[1], Peckham[2], and others. The polemic was continued by William de la Mare (probably an Englishman, possibly an Oxonian, certainly a Franciscan[3]), who maintained in all its fulness the essential doctrine of Scotism, that of the plurality of forms in the same individual. According to Thomas there is but one form in man which constitutes his humanity, viz. the rational soul. With William de la Mare and Duns Scotus, Corporeity, Animality, Rationality, and the like became distinct and essential 'forms' co-existing in the individual Socrates. Thus with William de la Mare orginated what has seemed to its opponents the fundamental Scotist heresy of 'multiplying entities without necessity[4].' All these writers probably owed something to Roger Bacon[5]. At all events all with one consent fell upon the Dominican doctrine which places the *principium individuationis* in matter—a doctrine involving for the orthodox thinker Angelological difficulties which were

[1] The importance of Kilwardby in the development of the Oxford School was for the first time revealed by his letter defending the Oxford condemnation published by Father Ehrle (*Archiv*, V. p. 603), who shows its points of contact with the Augustinian tradition. Kilwardby (i) defends the substantial *reality* of the Augustinian 'rationes seminales sive originales rerum,' and (ii) contends for a doctrine evolved by him out of Augustine as to the distinctions of the vegetative, sensible and intellectual 'souls' in man—a doctrine which passed to Olivi, the Apostle of the Spiritual Franciscans, and blossomed into a much more extensive 'plurality of forms' in Gul. de Mara and Scotus. The letter is full of germinal Scotism; so too are the positions implied by the Oxford condemnations of Kilwardby and Peckham.

[2] *Regist.* III. p. 871.

[3] Little, p. 215.

[4] Gulielmus de Mara published his *Summa contra Thomam* in 1284 (Hauréau, III. p. 99 *sq.*; Prantl, III. p. 189; Hist. Litt. XXI. p. 299). Duns Scotus may thus have heard him. His actual Master is said to have been William of Ware, the *Doctor fundatus* (cf., however, Rodulphius Tossinianensis, *Hist. Seraphicæ Religionis*, Venetiis, 1586, f. 319 *b*), whose commentary on the Sentences is preserved in the Merton Library (Nos. 103, 104).

[5] The indebtedness of all these writers to Bacon is carefully pointed out by Charles (p. 240 *sq.*). He perhaps does not allow sufficiently for the possibility of the ideas being the common property of the Franciscan Convent at Oxford, or of still wider circles.

more acutely felt than its more serious theological consequences[1].

Realism of Duns Scotus.

At the first blush of it, the Realism of all previous Schoolmen, at least since the twelfth century, may seem cautious, timid, reasonable, in comparison with the Realism of the School whose teaching culminated in the system of Duns Scotus, said on insufficient evidence to have been originally a Fellow of Merton, in any case a Master of the anti-Thomist University of Oxford[2], then a teacher of the anti-Thomist Order of S. Francis at Paris and Cologne. To the modern mind the system of Scotus is apt to appear a wild, luxuriant, rampant outgrowth of hypostatized abstractions. Thus matter without form is conceived of as possibly, if not certainly, created in time before any form[3]. A whole chain of 'acts' is interposed between

[1] An angel being assumed to be 'form without matter,' Thomas Aquinas was obliged to admit that there was no individual difference between angels: each angel was a different species.

[2] In 1300 a Franciscan named 'Johannes Douns' was refused licence to hear confessions by Bishop Dalderby (Linc. Reg. f. 13; Wood, *City*, II. 386): when, as Mr. Little remarks (p. 220), he must, by the rules of the Order, have been at least thirty. The earliest—and indeed the only early—authority for the early life of Scotus is an entry in a Merton MS. (No. 59) written in 1455: 'Explicit lectura doctoris subtilis . . . sc. doctoris Iohannis Duns nati in quadam villicula parochie de Emyldon vocata Dunstan, in comitatu Northumbrie pertinentis domui scolarium de Mertonhalle in Oxonia et quondam socii dicte domus' (also in some other Merton MSS). It is very probable (as the Bp. of Peterborough has suggested to me) that this represents only the conjecture of some scholar from Embleton (a Merton living), who was familiar with the Castle of Dunstanburgh and the hamlet of Dunstan in that parish, where is an old manor house with a 'peil tower' which local tradition makes his birthplace. There is no foundation for the tradition that he died at forty-four or even at thirty-three! It is certain that he went to Paris in 1304 and died at Cologne in 1308. (It is curious to find a Mertonian writer making Scotus a Franciscan and a Fellow of Merton at the same time, in the teeth of the College Statutes!) In my estimate of Scotus I am much indebted to Erdmann, and still more to Pluzanski's penetrating *Essai sur la Philosophie de Duns Scot* (Paris, 1887). Hauréau's account is singularly unappreciative. Particularly so is the attribution of a Spinozist tendency to a Philosophy which insisted to extravagance on the arbitrariness of the Divine Will, which creates even the possibilities that are never actualized.

[3] It is curious to see on this point something like a recrudescence of Scotism in Dr. Martineau's *Seat of Authority in Religion* (London, 1890), p. 33, though he, like some of the

CHAP. XII, § 7. the *materia primarie prima* which *is* but does not exist and the final union of form and matter in the concrete thing or *compositum*. At first sight Scotus would appear to assert the possibility of a really existing universal prior to the particular: while the particular cannot be allowed to get its very particularity without an individuating form called by later Scotists its *hæcceitas* or 'thisness.' To the critic prepared to find in the Schoolmen nothing but a mass of absurdity it will appear that every distinction that the imagination can conceive becomes to Scotus a real, independent, separable existence: to him the Scotist Universe will appear peopled with these airy creations of the metaphysical imagination. Closer study may perhaps suggest that there is in Scotus no reactionary harking back to the crude Realism of William of Champeaux. Scotus knows nothing of real Universals apart from the particular in the ordinary sense of the word *real*. The truth is that Scotus has divined the great secret of modern Idealism, the reality of mental relations and the part which those relations play in the constitution of the world which we know[1]. That in the works of Scotus and his followers, as in all the Schoolmen, there are absurdities and exaggerations of subtlety, it would be vain to deny. The same might be said of some of the greatest philosophers whether in ancient or modern times: but in his most fine-drawn distinctions there is always a meaning and sometimes a flash of metaphysical penetration deeper than is to be found in all the Peripatetic common-sense of Aquinas.

Humanistic hatred of Scotus.

By the student of Philosophy Scotus is not to be despised. Nevertheless the impression which a superficial glance at his twelve goodly folios is apt to give the modern reader is probably the effect which a century of Scotism

less orthodox Schoolmen, makes this 'solidified extension' eternal.

[1] 'Intellectus facit universalitatem in rebus [a quotation from Averroes]; *ergo* illa est in re, non intellectu' (*Opera*, Lugduni 1639, I. p. 93). The proof is still more idealistic: 'Forma non est extra materiam, nec e conuerso; igitur nec intelligibile extra intellectum; ergo nec modus intelligibilis extra intellectum; igitur nec Uniuersale.'

produced upon the world. It is against Scotus and his still more spider-like successors that the popular diatribes of sixteenth-century Humanists and Reformers were mainly directed: it was upon Scotus that the wrath of the New Learning fell most hotly, when for instance Thomas Cromwell's Visitors left the Quadrangle of New College strewn with leaves of 'Dunce[1].' And certainly it is to the later phases of Scholastic controversy ushered in by the 'Subtle Doctor' that the popular strictures on the Scholastic philosophy are most obviously applicable. The abuse of distinction and of syllogism, the habit of spinning cobwebs out of the Philosopher's own inside, the multiplication of barbarous technicalities and unintelligible jargon—these are in popular estimation the characteristics of the Scholastic Philosophy[2]. If these strictures will not be applied by the discriminating critic without reservation to the works of Scotus himself, there can be no doubt that they are applicable enough to the writings of Schoolmen without the genius of Duns in what must after all be called the decline of Scholasticism. The system of Scotus may be compared to the Flamboyant Cathedral of the best period, supremely beautiful after its kind, but exhibiting, in its wondrous intricacy of detail and rank luxuriance of ornament, the gorgeousness of incipient decay.

The Scotist Theology.

Turning to the position of Scotus as a Moralist and a Theologian, our judgment of him must be a still more

[1] Layton thus describes their proceedings to Cromwell: 'Wee have set Dunce in Bocardo and have utterly banished him Oxford for ever, with all his blynd glosses, and is now made a common servant to every man, fast nayled up upon posts in all common howses of easement, id quod oculis meis vidi. And the second time wee came to New College, after wee had declared your injunctions wee fownd all the great Quadrant Court full of the Leaves of Dunce, the wind blowing them into every corner; and there wee fownd one Master Greenefeld a Gentleman of Buckinghamshire gathering up part of the said book leaves (as he said) therewith to make Sewells or Blaunshers to keepe the Deere within the wood, and thereby to have the better crye with his hounds.' Wood, *Annals*, II. p. 62a.

[2] For a collection of Scholastic absurdities see Binder, *Scholastica Theologica*, Tubingæ, 1614.

CHAP. XII, § 7. mixed one. In the depth of its religious feeling his writing contrasts favourably with the cold rationalistic orthodoxy of Thomas. On the intellectual side, as well as on the religious, his doubts mark an advance, though in his mode of meeting doubt there is retrogression as well as progress. His intellect was acute enough to see through much of the Thomist apologetic for medieval dogma, but the dogma is none the less insisted on. As a Philosopher, he is, indeed, partially emancipated from authority. But, if Aristotle and Augustine count for less with Scotus than with S. Thomas, the Church and the Pope count for more. The Thomistic predestinarianism, the materialistic doctrine of 'grace,' the arbitrary 'scheme of redemption' are softened and spiritualized. On the other hand, the strenuously asserted Free-will both of God and Man approximates to arbitrary caprice. With some of the harshness of Thomism there disappears also that noblest feature of the earlier Scholasticism—its profound belief in the essential rationality of the great principles of Morality and of Religion both Natural and Revealed. By Scotus' time the great shock of the thirteenth-century Scepticism had passed away: the Faith seemed to be in no peril: Scotus is for the most part content to let Theology rest on the emotional prostration before authority popularly called Faith. By Duns Scotus the essential distinction between right and wrong was at least half-denied; Morality was made to depend on the arbitrary will of God[1]; Duty was reduced to a calculation of profit and loss; and while the fundamental basis of all religion was thus cut away, the theological energies of the 'Subtle Doctor' and of the Order of which he was the ornament were devoted to fastening upon the medieval Church, in the teeth of patristic authority and

[1] Scotus denies the *perseitas* of Good, and declares that murder would be right if commanded by God. (Opus. Oxon. III. Dist. 37, *Opera*, Lugduni, 1639, VII. p. 857). On the other hand he makes *beatitudo* consist in Love (Report. Paris. IV. Dist. 49, *Opp.* XI. p. 890 *sq.*). In fact his position is that man's love of God may be disinterested, his love of man not.

Dominican orthodoxy, the baseless fancy of the Immaculate Conception of Christ's Mother. CHAP. XII, § 7.

William of Ockham.

The intellectual monstrosities which emanated from the Scotist brain could not fail to provoke reaction. It is a striking tribute to the unquestioning submission of the Dominican intellect to the authority of S. Thomas that the reaction against Scotus came from the ranks of his own order, not from those of its opponents. So long as he attacked Thomas, the Franciscan was free to choose his philosophical position. Scotus had complied with this essential condition of Franciscan Philosophy by a return to Realism: William of Ockham complied with it by the revival of thorough-going Nominalism. The way for Ockham was prepared at Paris by the nominalizing Dominican Durand of S. Porçain and the secular Peter Auriol. But it is fairly certain that Ockham himself had studied and taught in Oxford before graduating in Paris[1]: it is certain that he was an Englishman and that it was in the English Universities[2], in the English Nation of Paris, and in its daughters, the German Universities — notably in the Teutonic Nations of Prague and the purely Teutonic University of Vienna—that Ockham's Nominalism took the speediest and firmest root, a fact the significance of which becomes evident when it is remembered that Luther was educated as a Nominalist[3]. On its purely logical, its purely intellectual side, Ockhamism represents the cul-

[1] 'The name of this great Philosopher does not occur in the Old Catalogue, and his connection with Merton College seems to rest almost entirely on the authority of Sir Henry Savile, who cites an entry in a College MS. which Kilner failed to find' (Brodrick, *Memorials of Merton College*, p. 194). He is, however (as Mr. Lyte points out, p. 118), mentioned in a eulogy of the University in Lambeth MS. 221. f. 308 *b*. Mr. Little (*The Grey Friars in Oxford*, p. 224) also refers to Bartholomew of Pisa, *Liber Conformitatum*, f. 81 *b*, where he is styled 'Bacalarius formatus Oxonie,' and to a Paris MS. which shows that he entered the Order before leaving Oxford.

[2] Certain extreme Ockhamistic articles were, indeed, condemned at Oxford in 1314, but they are theological positions, and there is no repudiation of Nominalism. *Mun. Acad.* p. 100.

[3] He was especially a student of Ockham, d'Ailly, and Gabriel Biel. See Farrar, *Hist. of Interpretation*, p. 324.

CHAP. XII, § 7. mination of all Scholastic thought: and so far Scholasticism supplied the weapons by which it was itself destroyed[1]. Under Ockham's keen analysis and vigorous criticism the realistic elements which still survived in Thomas—his doctrine as to the *principium individuationis*, his 'ideas' in the divine mind, his 'visible and intelligible species'—were brushed aside as resolutely as the more chimerical entities of the Scotist system. From the point of view of the modern non-metaphysical man of Science Ockham represents the perfection of common-sense: 'Ockham's Philosophy is that of centuries later[2].' On nearly every purely logical or psychological question Ockham gives an answer which, right or wrong, might still be maintained in almost the same terms by a modern Philosopher. The distinction of matter and form, the fictitious intermediaries of sensation, the reality of universals outside the mind—all these disappear from his pages: nor on the other hand does he (in spite of a few passages which savour of the theory of *flatus vocis*) fall into the opposite extravagance of a Nominalism which makes truth and falsehood merely a matter of words: in the language of modern Philosophy he would be described as a Conceptualist rather than as a Nominalist. On his negative and critical side, he must remain for the modern as for the medieval world the 'Invincible Doctor.' Are we then to regard the great Scholastic debate as closed and judgment given in favour of the so-called Nominalism of Ockham? Such has been the conclusion of some modern historians of Philosophy. To others it will appear that beyond the limits within which the mind of Ockham and the mind of the modern common-sense Philosopher moves there is a region of truth into which the mere Psychologist (and in Ockham's philosophical writings his Psychology is perhaps the strongest point) cannot enter. Medieval Realism dimly and blindly testified to the part which Mind plays in the constitution

[1] For this point of view, see e. g. Lange, *Hist. of Materialism* (Eng. Trans. by Thomas, London, 1877), I. p. 209 *sq.*

[2] Milman, *Latin Christianity* (1872), vol. IX. p. 148.

of the objects of our Knowledge—to the truth that in all our knowledge there is a rational element (if the expression may be allowed) which comes not from any supposed 'external object' but from the mind itself, and that these mental ideas, forms, relations—call them what you will—are not chimeras, illusions, imaginary entities, faint copies of unintelligible external 'things'; but, in the strictest sense of the word, Realities—not indeed in abstraction from that of which they are relations, but as real as any other element in things. In the dim witness which it bore to this metaphysical truth lay the strength of medieval Realism; and hence in part it was that medieval Realism was not stamped out by the 'Invincible Doctor.'

Ockham's Theology.

In the region of pure Theology Ockham himself was enthusiastically, unimpeachably orthodox on all questions except the authority of the Papacy and its relation to the Civil Power: he belonged, indeed, to that fanatical section of the Franciscan order—the 'Fraticelli' as they were called—who maintained in the teeth of Pope and Councils the absolute poverty of Christ and his Apostles and the obligation of such absolute poverty on all his Ministers. In Philosophy Ockham was a sceptic: in Theology he was as zealous a champion of Franciscan superstition as the fantastic Scotus. And this union of philosophic scepticism with theological reaction was effected by the expedient so tempting to the fanatics of all ages, the division of the human mind into 'watertight compartments,' the total divorce of Faith from Reason—in other words by a blind prostration of the intellect, in matters of Religion and Morality, before either external authority or subjective religious emotion or some combination of the two. We have observed the tendency to this divorce between Reason and Religion even in Scotus: but it reaches a climax in his pupil Ockham [1], who positively revelled in demonstrating

[1] Theologically Ockham was the follower of Scotus, not his opponent—especially in his doctrine of grace. It was the Scotist and Nominalist, not the Thomist, doctrines of 'Merit' against which the Reformers revolted. See Ritschl, *Critical History of the Christian doctrine of Justification and Reconciliation* (Eng. Trans. by Black, Edinburgh, 1872), p. 73 *sq.*

CHAP. XII, § 7. the uncertainty or irrationality of the dogmas which as a Theologian he was prepared to swallow with dutiful avidity[1]. It is in this respect that the Scholasticism which originated in the first half of the fourteenth century often falls so far below what may be called the moral level of the older Scholasticism which it so largely supplanted.

The Odium Metaphysicum.

Some appreciation of the teaching of Scotus and Ockham is necessary if we would realize the state of Oxford thought at a period in which the debates of the Schools had issues of far-reaching ecclesiastical and political importance. We are familiar with the picture of medieval students ranging themselves under the rival banners of Nominalism and Realism and fighting in the streets for these metaphysical abstractions as vigorously as they would fight at other times for their Nation, their Faculty, or their University. But it should be remembered that it is only in the fourteenth century—after the development of Scotism and Ockhamism —that Scholasticism assumed the form of a philosophic feud mingling itself up with every other national, political, and ecclesiastical question of the day. And it is absolutely necessary to bear this fact in mind if we would appreciate the position of Wycliffe in Oxford and in the medieval Church. The fate of Wycliffe's Reform movement was largely determined by its association with what was, on the Continent, the weaker philosophical party. In Paris, and still more in the German Universities which sprang out of the English Nation at Paris, the Nominalism of Ockham was for a moment triumphant. But at Oxford the development of Realism does not close with Scotus: there was a reaction against the extravagances of Scotism within the Realist ranks: and that reaction was led by Wycliffe. Nothing is more essential to an appreciation of Wycliffe's position than to realize that he was a famous scholastic thinker quite independently of his position as a theological and religious Reformer. It was Wycliffe's prestige as a Schoolman that gave so much weight to the reform movement which he had inaugurated. Since the

[1] See especially his *Centiloquium Theologicum*.

days of Albert the Great, Scholasticism, amid all differences between conflicting Schools, had been unimpeachably loyal to the medieval Church-system and the theological premisses on which it was based. The importance of the Wycliffite movement consisted in this, that now for the first time the established Church principles were assailed, not by some obscure fanatic, not by some mere Revivalist, but by a great Scholastic Doctor in the 'second school of the Church.'

Intellectual vitality of fourteenth-century Oxford.

It was no accident that this movement took place in Oxford. We have already insisted on the greater freedom of Oxford thought in the thirteenth century as compared with the theological narrowness of Paris. At Oxford there was little of the scepticism or Pantheism which at Paris was with so much difficulty driven beneath the surface. There was no Inquisition: burning and other punishments for heresy were all but unknown in England till the reaction against Wycliffism in the reign of Henry IV. At Oxford there was more intellectual freedom: on the other hand there was that deeper and more earnest vein of religious feeling which has been thought to be characteristic of the Teutonic as compared with the Latin races. In the generation which intervened between Scotus and Wycliffe Oxford was the scene of immense intellectual activity[1], and of an intellectual activity which had more contact with the religious and political life of the country at large than was the case with the Parisian Scholasticism of the preceding century. Ockham himself was no less great as a political thinker, as the champion of secular authority against the usurpations of the pseudo-spiritual Papacy, than as the cleanser of the Augean stable of metaphysical absurdity. As a Meta-

[1] That the reader may appreciate the number of the Oxonian thinkers in the century after S. Thomas' death, it may be well to add the Franciscan Richard Middleton, one of the early critics of Thomism, who paved the way for Scotism; the Scotist John Dumbleton; the Mertonian Walter Burleigh, a somewhat original eclectic styled the 'Doctor planus et perspicuus'; the Carmelite, John Baconthorp, the Realistic or Averroistic 'Doctor resolutus.' Not all the other Nations and Universities of Europe between them could muster such a list (cf. above, vol. I. p. 248, n. 6). Of course most of these men afterwards taught at Paris or elsewhere on the Continent, but Oxford alone can call them her sons.

CHAP. XII, § 7.

Wycliffe's predecessors.

physician Wycliffe was his opponent, though an opponent who knew how to profit by his criticism[1]; but as a political and ecclesiastical thinker, Ockham was distinctly one of his intellectual progenitors[2]. Among the other influences that moulded Wycliffe's mind in the Schools of Oxford and testify to the vigour and independence of Oxford thought at this period, two names may be mentioned. The Mertonian Realist[3] Thomas Bradwardine (afterwards Archbishop of Canterbury) besides being distinguished as a Mathematician, was the original and vigorous exponent of that Augustinian Predestinarianism which so deeply coloured the Wycliffite and Hussite movements. Although Augustine contributed to the sum total of the Scholastic Theology not less largely than Aristotle, the general effect of Scholasticism was to throw into the shade the more Pauline side of Augustine. However appalling some of the Augustinian dogmas may sound to modern ears, it must be admitted that a return to Augustine was a step towards a return to spiritual Christianity. The return was begun by Bradwardine, and carried on by Wycliffe and Hus. Nearly all medieval religious Reformers were strong Augustinians: even the Reformation of the sixteenth century was a return to Augustine, or to an element in Augustine, rather than a return to the New Testament or

[1] It would be difficult to desire a more moderate or more reasonable Realism than is expressed in the following: 'Et concordat ratio naturalis, cum Socrates et Plato magis conveniunt, quam Socrates et asinus; illud ergo, in quo conveniunt, est commune, ut primo conveniunt in specie, et sic gradatim in genere, quousque ad genus generalissimum sit adventum; sic omni individuo hominis [*leg.* homini] esse hominem et per consequens communis essentia vel quidditas hominis est communis' (*Trialogus*, ed. Lechler, Oxonii, 1869, p. 85). In the *De Ente Predicamentali* (ed. Beer, Wyclif Soc. 1891, p. 41) he admits that 'ydee non sunt substancie formaliter, si non equivoce . . . Ideo solum habent esse intelligibile aut possibile, necessarium et eternum.' Wycliffe's 'ideas' have no existence apart from God; in fact he assents to Grossetête's doctrine that 'Deus est forma rerum.'

[2] A Papal Bull (in Walsingham, *Hist. Angl.*, ed. Riley, 1863, I. p. 347) addressed to the Chancellor and the University against Wycliffism complains of the revival of the doctrines of Ockham's disciples, Marsilius of Padua and John of Jandun.

[3] Brodrick, *Memorials of Merton*, p. 188.

to primitive Christianity. But the most powerful influence of all those which acted upon Wycliffe's mind was that of Richard Fitzralph, like Wycliff once a Fellow of Balliol. and afterwards Archbishop of Armagh, the greatest Scholastic luminary of Wycliffe's younger days, though better known to us as the champion of the University and the secular clergy against the encroachments, usurpations, and theological corruptions of the Friars. Recent researches have proved that Wycliffe's polemical works are more extensively and directly indebted to the writings of Richard than had hitherto been supposed[1]. Armachanus (as the Middle Age styled him) was certainly a more vigorous and powerful writer than Wycliffe—perhaps the most intricate and obscure of all the great Scholastic host—though he is not to be compared to the great Reformer either in moral intensity or in the range of his speculation.

CHAP. XII, § 7.

John Wycliffe as Schoolman.

It is a striking illustration of the success which generally attends well-conducted persecution that Wycliffe has been almost ignored by the historians of Philosophy. His great works remained in manuscript up to the Quincentenary of his death. This is not the place in which to assign to Wycliffe his proper place in the history of the Scholastic Philosophy. But, although it is probable that he was not one of the greatest or most original intellects of the Middle Age, the intellectual movement of which Wycliffe and Wycliffism were the outcome does represent the culmination of that speculative fermentation of which fourteenth-century Oxford was the centre. The movement represents the last great effort of expiring Scholasticism: its fate may perhaps be considered to have shown that Scholasticism could not effect either the intellectual or the religious emancipation at which Wycliffe aimed. The first of the Reformers was the last of the Schoolmen—at least in England. The ecclesiastical repression which followed the collapse of the Wycliffite heresy meant the extinction of all

[1] See Dr. Poole's Preface to his edition of Wycliffe's *De Dominio Divino* (Wyclif Soc., 1890), to which is appended the *De Pauperie Salvatoris* of Armachanus; also his Art. on Fitzralph in *Dict Nat. Biog.*

CHAP. XII, § 7.

vigorous and earnest Scholastic thought. Archbishop Arundel's triumph over the University in 1411 sounded the death-knell of Oxford Scholasticism. The great Realist and Nominalist debate lingered on for a century more: but all the life had been taken out of it: all real, fresh, intellectual activity was beginning to divert itself into other channels. It was not against the vigorous Scholasticism of the thirteenth century, nor even against the keen if over-subtle speculation of the fourteenth, but against an effete traditionalism which perpetuated and exaggerated the defects of the great thinkers that the human mind rose in rebellion at the Renaissance and the Reformation.

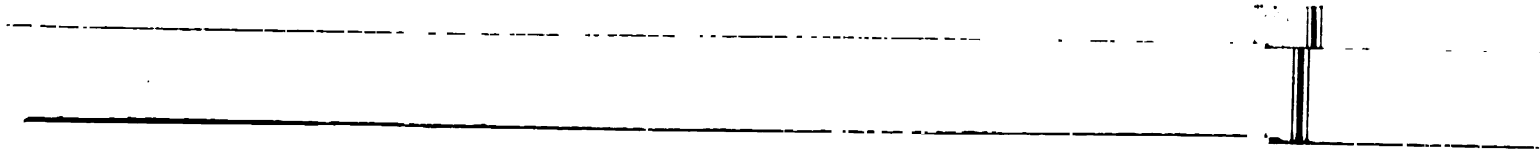
Decay of Scholastic thought after 1411.

Permanence of Wycliffe's work.

As a Scholastic movement Wycliffism was almost crushed in England before the Council of Constance proclaimed its doom to the Catholic world. But none the less it can scarcely be doubted (though certainly the evidence is scanty) that the leaven of Wycliffism went on silently working beneath the surface of Oxford life, while Bohemia was being torn asunder by the religious revolt which the Oxford Doctor's words had done so much to excite[1]. It is a superficial view of history after all which traces the English Reformation to the lusts and the hatreds of a self-willed monarch. When the conflagration excited by Luther began to reach the English Universities, it found the flames already kindled by the Bible-readings of Tyndale in Magdalen Hall and of the Cambridge men both in their own University and in Cardinal College at Oxford. It can hardly be doubted that those Bible-readings of the English Reformers were ultimately the outcome of a tradition of practical piety, of love for Scripture and of discontent with the prevailing ecclesiastical system, which lingered long after the days of Wycliffe in the hearts of the English people and not least in obscure corners of the two University towns[2].

[1] The full extent of Hus' dependence upon Wycliffe has been for the first time adequately demonstrated by Loserth in his *Wyclif and Hus*.

[2] The following inscription in a



§ 8. THE UNIVERSITY OF CAMBRIDGE.

HEARNE appended the *Historiola de Antiquitate et Origine Universitatis Cantabrigiensis* (by a Carmelite Friar named CANTELUPE, who is said to have died in 1441) to his edition of Thomas Sprott's *Chronica*, Oxonii, 1719. It is almost entirely confined to the mythical origines. Dr. CAIUS, the College-founder, who was the Cambridge champion in the Elizabethan dispute for precedence with Oxford, belongs to the same class of historians as Cantelupe. His *De Antiquitate Cantabrigiensis Academiæ Libri Duo* appeared with a reprint of the Oxford *Assertio* of 1566 in 1568 (Londini); an enlarged edition, with a distinct *Historia Cantabrigiensis Academiæ*, in 1574 (Londini), under the name of Caius Anglus. Archbishop PARKER added a few pages *De Scolarum Collegiorumque in Academia Cantebrigiensi Patronis atque Fundatoribus*, with a list of Royal Privileges, &c., to his *De Antiquitate Britannicæ Ecclesiæ*, 1572; he is quite as credulous as Cantelupe. RICHARD PARKER'S Σκέλετος *Cantabrigiensis*, written in 1622, was first published by Hearne in his edition of Leland's *Collectanea*, tom. V. (Oxon., 1715.) It contains an account of the Colleges and a 'Summa Privilegiorum.' A translation of this work (with Cantelupe's *Historiola*) has been published as *The History and Antiquities of the University of Cambridge* (London, 1721). [LANGBAINE] The *Foundation of the Universitie of Cambridge* (London, 1651) is a very meagre account of the Colleges. *The History of the University of Cambridge* by THOMAS FULLER (with his *Church History of Britain*, 1655, ed. by Prickett and Wright, Cambridge, 1840) is the classical History of Cambridge, a much slighter work than Wood's *Annals of Oxford*, but in a style of still more charming quaintness. CARTER, *History of the University of Cambridge* (London, 1753) is chiefly confined to the Colleges. *The History of the University and Colleges of Cambridge* by DYER (London, 1814), though commendably free from antiquarian superstition, is a less important work than his *Privileges of the University of Cambridge* (London, 1824), a collection of documents with notes. *The History of the University and Colleges of the Univ. of C.*, 'printed for R. ACKERMANN,' 1815, is a mere guide-book in folio; PEACOCK'S *Observations on the Statutes* (London, 1841) an interesting

book in the Library of University College, Oxford (No. CLVI) supplies interesting evidence on this head: 'Ego Johannes Russell, episcopus Lincolniensis, fatigatus hoc anno 1491 Oxon. cum multis hereticis, postquam peruenit in manus meas liber fratris Thome Waldensis, venerabilis doctoris, contra Wiclevistas, quorum insanissima dogmata multos nostre religionis Anglicane populares infecerunt, cogitavi aliqua excerpere ex eodem libro super sacramentalibus, in que Lollardi ipsi maxime invehuntur, unde successores nostri et sui assistentes consiliarii in inquisitionibus heretice pravitatis aliqua paratiora inveniant ad confusionem errantium, quam aut nos ante habebamus aut ipsi successores habuissent istis non habitis.'

For some other evidence of the continued influence of Wycliffism see a note by Mr. F. D. Matthew in the *Academy*, No. 525, p. 378.

CHAP XII, § 8.

work of some research. COOPER, *Annals of Cambridge* (Cambridge, 1842), is the most detailed History that has appeared, but documents are unfortunately translated. The same writer's *Memorials of Cambridge* (Cambridge, . . . ; new ed. 1860) deal chiefly with the Colleges. MULLINGER, *University of Cambridge from the earliest times to the Royal Injunctions of 1535* (Cambridge, 1873) is one of the most readable of University histories and is a real contribution to the history of medieval culture and learning, to which I am under great obligations. (This work is cited as 'Mullinger I.') He continues the narrative in *The University of Cambridge from the Royal Injunctions of 1535 to the accession of Charles the First* (Cambridge, 1884), and has also published a *History of the University of Cambridge* in Creighton's *Epochs of Church History* (London, 1888), which is a popular abridgement continued to the present time. *The Architectural History of the University of Cambridge and of the Colleges of Cambridge and Eton*, by ROBERT WILLIS, ed by JOHN WILLIS CLARK (Cambridge, 1886), is a monumental work, the historical value of which is by no means limited to the architectural side. Mr. Clark has also published a more popular sketch, *Cambridge, brief historical and descriptive notes*, London, 1881.

The ancient Statutes of the University, as well as the Statutes of the Colleges, are printed in *Documents relating to the University and Colleges of Cambridge* (London, 1852). But in the case of some Colleges the Statutes are only printed as revised under Edward VI; in these cases I have consulted the originals whenever extant. GUNNING, *Ceremonies of the University of Cambridge* (Cambridge, 1828) is a useful record of ancient customs which are now too often matters of history.

Many miscellaneous documents and dissertations connected with the University are contained in the various proceedings of the *Cambridge Antiquarian Society*, especially a list of Documents in the University Registry compiled by Dr. LUARD, *Communications*, III. p. 387 (1876). Most of the charters and privileges of the University were collected in three MS. volumes now in the University Registry. I have also consulted the enormous collection of MSS. by Baker (part of which are in the University Library, the rest in the British Museum), and the Cole MSS. in the British Museum. The documents relating to the Colleges are mostly calendared in the *Reports of the Hist. MSS. Commission*.

Myths and Forgeries.

A few words will suffice to clear away the cobwebs with which academic patriotism has surrounded the growth of the University of Cambridge. The exuberance of Cambridge imagination has, indeed, transcended that of our least scrupulous Oxford antiquaries. The foundation of Oxford by Alfred the Great being too circumstantially narrated to be shaken by fifteenth or even sixteenth century criticism, the champions of the eastern University were obliged to carry their inventive researches back into the mists of a still more venerable antiquity. The origin or 'restoration' of the University is variously ascribed to a Spanish

Prince Cantaber, who flourished at a somewhat uncertain epoch, to King Arthur, whose Charter bears date A.D. 531[1], and (by more sober critics) to the Saxon King Sigebert in the seventh century; Bede and Alcuin (whose comparative chronology is not always clear to the historians) are named among its first teachers. A more detailed account of the University in a settlement of Crowland monks early in the twelfth century is derived from the continuation of the Ingulfine Chronicle attributed to Peter of Blois[2]. As to the authenticity of this narrative it will be sufficient to say that it makes an English monk teach the Metaphysics of Aristotle about a century before there is any trace of their use in northern Europe.

The first appearance of the Cambridge Schools upon the page of genuine history is in connexion with the great dispersion which followed upon the Oxford 'suspendium clericorum' of 1209. It is useless to speculate as to the character of the Schools of Cambridge before this period. The same reasons which forbid us to make the University of Oxford a spontaneous development of the Schools of S. Frideswyde forbid us likewise to seek the origin of the University of Cambridge (as has sometimes been done) in the Augustinian Priory of Barnwell. In the case of Cambridge there is the additional difficulty that Barnwell is distant a good mile from the site of the later School Street, and that nothing whatever is heard of Schools either at Barnwell or elsewhere in Cambridge before the historic migration of 1209[3]. It may be hoped that those who decline to accept the Parisian migration as the real source of the Oxford Studium Generale because it is not recorded in black and

The Oxford Migration of 1209.

[1] Printed by Caius, *De Antiquit. Cant.* p. 50, and Twyne, *Ant. Ox.* p. 45.

[2] *Continuatio ad Hist. Ingulphi*, ed. Gale, in *Rerum Anglicarum Script. Veter.*, Oxoniæ, 1684, I. p. 114.

[3] 'Wahrscheinlich kam die Schule erst jetzt in Aufnahme' (Denifle, I. p. 368). In an interesting paper on *The Fenland* (*Archæological Journal*, 1892, p. 272 *sq.*) the Bp. of Peterborough recognizes the origin of the University in migration from Oxford and Paris. He rightly insists on 'ease of access' as the essential condition of its development, but still appears to me to attribute rather too much to the Monasteries.

CHAP. XII. § 8.

white that the English students recalled to England by Henry II repaired to Oxford and because we do hear of Schools at Oxford before this date will not have recourse to the gratuitous hypothesis of Schools at Cambridge before 1209. There may no doubt have been a Priory School at Barnwell, and there were of course the Grammar-schools which in the twelfth century were to be found in every town as large as Cambridge; but to seek in such Schools a 'nucleus' of the later University would be as misleading as to talk of the Cathedral School of Durham and the various Charity Schools of the same place as the 'nucleus' of the University founded there in 1833. It is to be regretted that so much dust should, even in recent years, have been thrown between the student's eyes and a very plain historical fact [1].

Dubious existence from 1214 to 1229.

Cambridge as a Studium Generale dates at earliest from 1209—at earliest because it is by no means clear that its continuous existence really begins with that year. In the ordinary course of things it is likely enough that the place was well-nigh deserted by scholars after the return to Oxford in 1214. At all events after 1209 we hear nothing definite [2] of the Cambridge Studium till 1229. In that year Henry II offered an asylum to the dispersed scholars of Paris, promising to assign certain towns in England for their residence [3]. One of the places to which they actually repaired was undoubtedly Cambridge. It is only after the Paris migration of 1228 that any Royal

Royal recognition.

[1] Even Mr. Mullinger speaks of the University as 'originating most probably in an effort on the part of the monks of Ely to render a position of some military importance also a place of education. The little school prospered; the Canons of St. Giles lent their aid; and when at length, as at Paris and Bologna, a nucleus had been formed,' &c. (*Cambridge*, I. p. 334.) But all known analogies are against the theory that monks founded Schools or Universities at a distance of twenty miles from their own monastery. The days of University Extension were not yet.

[2] Its existence may, however, be inferred from the writ of Henry III in 1218, directing the Sheriff to expel *clerici* who still remained under excommunication for adherence to Louis and the Barons. Doc. in Fuller (ed. Prickett and Wright), p. 20 *note*.

[3] Rot. Pat. 13 Hen. III. m. 6. See above, p. 392.

recognition or any distinct academical organization becomes traceable in that town. Two years later a Royal writ gave the Chancellor of Cambridge—now for the first time mentioned—power to signify to the Bishop of Ely 'rebellious clerks who would not be chastised by the Chancellor and Masters,' whereupon the Bishop was to invoke the aid of the Sheriff[1]. At the same time the Sheriff was ordered to expel from Cambridge all students 'not under the discipline or tuition of some Master of Schools[2].' In the same year the 'taxation' of Halls is recognized in a writ which refers to the 'multitude of clerks from diverse parts as well on this side as on the other side of the sea[3],' showing no doubt the effect of the Royal invitation to the emigrant Parisians to settle in England. The first Papal recognition of Cambridge occurs in 1233, when on the petition of the Chancellor and Scholars, Gregory IX authorized the Bishop of Ely to absolve scholars of Cambridge for *injectio manuum*, and conferred a privilege by which scholars of Cambridge, willing to answer before the Bishop or Chancellor, were not to be summoned beyond the diocese[4].

Constitutional development.

The history of the University privileges follows so very much the same lines as the course of development at Oxford that it would be tedious to reproduce the various steps of the process in any detail[5]. Suffice it to say

[1] *Royal Letters*, ed. Shirley, 1862, I. p. 396. The Chancellor received the direct power of *Significavit* in 1242 (Cooper, I. p. 44); yet even after this we find him signifying through the Bishop. Ely Reg. Arundel, f. 9.

[2] *Royal Letters*, l. c. (Fuller, ed. Prickett and Wright, p. 23). Fuller reads 'scholarium,' but this would be a most unusual expression.

[3] *Ib.* (Fuller, p. 23).

[4] Bliss, *Calendar of Entries in the Papal Registers*, I. pp. 135, 136. Cf. *ib.* p. 142.

[5] The parallelism of the two histories extends even to the buildings. The original hired Schools were grouped about S. Mary's Church. The first University Schools at Cambridge were begun in 1470 (Fuller, ed. Prickett and Wright, p. 168 *note*). S. Mary's was rebuilt in 1478 (*ib.* p. 170 *note*). The great benefactor and builder of the Cambridge Library, Thomas Rotherham, Archbishop of York, was a contemporary of Duke Humphrey. For the history of the Library, see Art. by Henry Bradshaw in *Collected Papers* (Camb. 1889), No. xxii, and for the architectural history generally

CHAP. XII, § 8. that the academic prerogatives and liberties were at Cambridge considerably slower in their growth and somewhat less magnificent in their final development than was the case at Oxford[1]. Thus it was not till 126$\frac{1}{8}$, after a migration to Northampton, provoked by the oppressions of the townsfolk, that the University was granted the privileges in relation to the assize of bread and beer, to the conservation of the peace, and to other matters which Oxford had already enjoyed for twenty years[2]. It was not till 1314 that her Chancellor obtained the cognizance of personal actions[3] of scholars against laymen—a privilege which Oxford had enjoyed since the beginning of the preceding reign; and not till 1383 that the jurisdiction was extended to all cases except felony or mayhem[4].

Growth of ecclesiastical independence.

Still more slow was the growth of the University's ecclesiastical independence. Up to the end of the thirteenth century we find the Bishop, through his Official, deciding internal disputes between the various Faculties of the University, or hearing appeals from the Chancellor's decisions[5].

see Willis and Clark, vol. III. It may be added that S. Benet's Church at one time had a certain connexion with the University. A dispute as to payment for ringing the bell of S. Benet's for extraordinary Lectures (1273-4) is printed by Mr. Clark in *Camb. Ant. Soc.* 8° *Pub.* No. xvii. p. 56. Its bell was still rung, not only for this purpose but for Congregations, till after 1655. (Masters, *Hist. of C. C. C.* p. 431.) It would also appear to have been used for English University Sermons (*ib.* p. 433), like S. Peter's-in-the-East at Oxford.

[1] The earliest extant Statute and the first mention of the Rectors (i. e. Proctors) is in 1275 (see above, pp. 368, 369), but the document implies earlier Statutes and a long-established constitution.

[2] Rot. Pat. 52 Hen. III. m. 25 (Dyer, *Priv.* I. p. 63).

[3] Rot. Pat. 7 Ed. II. pt. 2 (Hare, I. p. 65).

[4] Rot. Chart. 7 Ric. II. No. 21 (Hare, I. 219).

[5] Hare MS. I. p. 44 *a*, 45 *b*; Bentham, *Hist. and Antiq. of Ely* (Norwich, 1812), p. 152. We find the Prior and Canons of Barnwell successfully resisting the Chancellor's jurisdiction, and the Official saying to the University, 'Omnem iurisdictionem quam habetis, ex gratia domini mei Episcopi habetis, qui vobis concessit iurisdictionem in clericos, Archidiaconus autem habet iurisdictionem in Rectores, Vicarios, etc., unum tantum sibi reservavit sc. viros religiosos.' *Liber Memorand. Eccl. de Bernevelle*, Harleian MS. (Baker) 7036, p. 65. Cf. *Hist. and Antiq. of Barnwell Abbey* in Nichols, *Bibliotheca Topographica Britannica*, V. (London, 1790), pp. 24, 25.

We even find traces of a claim to have the Statutes of the University submitted to him for confirmation[1]. It was not till 1374 that the Cambridge Chancellor even made a difficulty about taking the oath of canonical obedience, but after a long conflict and an appeal to the Court of Arches he was compelled to take it[2]. After this, however, the oath was sometimes dispensed with as a matter of favour; but the Chancellors continued to seek confirmation from the Bishop, and in some instances even to submit to the oaths of canonical obedience and respect for the Episcopal rights, down to the year 1400[3].

Emancipation from Bishop.

The earliest evidence which occurs of a claim to even a limited exemption from episcopal jurisdiction, is in

[1] Some difficulty was made by Bishop Montagu's Official (Reg. f. 2 *b*) in 1337 about the confirmation of the Chancellor-elect. 'Non intendebat . . . aliqua statuta per universitatem Cantebrigiensem edita approbare, consensu ipsius Patris minime requisito, nec etiam ipsum electum aliqualiter confirmare, nisi secundum morem antiquum confirmandi hujusmodi electum in Cancellarium Universitatis predicte.' He compelled the Chancellor to swear 'quod non innitetur alicui novo statuto in dicta universitate circa electionem dicti Cancellarii edito vel edendo quod quovis modo redundare posset in preiudicium ipsius Patris aut iurisdictionis sue vel ecclesie sue Eliensis,' together with the oath of canonical obedience. It may be worth adding that the Bishop used to issue during vacancies a commission to the Doctors 'ad custodiendum iurisdictionem Universitatis Cantebrigiensis durante vacatione Cancellariatus,' whereas at Oxford the University and its *Cancellarius natus* (the senior D.D.) used to exercise such jurisdiction without episcopal authority. See above, p. 426 *n.*, 427 *n.* 3.

[2] Ely Reg. Arundel, f. 75 *a*; Cooper, I. p. 112; Reg. of Consistory Court (Ely Registry, D. 2. ff. xix *a*–xx *b*). The Chancellor is found 'pretendens . . . ipsum pro tempore suo ac predecessores . . . liberos fuisse et immunes ab omni obedientia Episcopis Eliensibus et . . . officiali eorundem et ministris prestanda.' It is to be noticed that the appeal was technically 'ad sedem apostolicam directe et pro tuicione Curie Cantuariensi.' This is usually explained as an appeal for the protection of the Archbishop as *legatus natus, pendente lite* (see *Reg. Joh. Peckham*, ed. Martin, II. p. cvii), but, if we may generalize from this instance, it seems that practically the case was decided by the Arches Court in virtue of the Archbishop's position as *legatus natus*.

[3] Ely Reg. Fordham, f. 181 *b*. In 1401 an appeal to the Arches from the Chancellor in a civil suit was prohibited 'per breve Regis' (Lambeth Reg. Arundel, I. f. 554).

CHAP. XII, § 8.

a Royal order of 1391, which forbids the Bishop of Ely to withdraw into his own Court causes pending before the Chancellor[1]. In 1401 Boniface IX dispensed with the Episcopal confirmation of the Chancellor-elect[2]. The early years of the fifteenth century were years of rapid progress at Cambridge; the University had now begun to be a formidable rival to Oxford. It was high time to assert their equality in medieval fashion, not merely prospectively but retrospectively. Accordingly a Bull was forged, purporting to emanate from Pope Honorius I, in the year 624. In this audacious document[3] the Pope is made to assert that he had himself studied at Cambridge, and to confer upon the University the privilege of exemption from all Episcopal and Archiepiscopal authority. In the year 1430 the refusal of the Chancellor-elect, John of Dunwich, to take the oath of obedience to the Bishop, led to a suit in the Roman Court. On the strength of the Bull of 624 and other equally valuable documents the Papal delegates, sitting in the Chapter House of Barnwell in 1432, solemnly decided in favour of the University's entire ecclesiastical independence[4].

The Barnwell process, 1432.

When did Cambridge become a Studium Generale?

A more interesting matter than the claim of the University to ecclesiastical immunity is a question which has been raised by Denifle as to the date at which Cambridge became a Studium Generale. Nothing in Denifle's great work was more startling to English readers than to find Oxford and Cambridge treated as belonging to totally different classes or groups of Universities. Oxford appears

[1] The doc. is one of those which occur in Rysley's *Catalogue*, but are not now in the Registry. Luard, p. 389.

[2] Vatican Register An. 12. Lib. 2. 6. 77. I am indebted for this reference to Mr. Bliss' MS. transcripts.

[3] It was admitted that the original was lost: copies survive in the Registry (Drawer I. 19). It is printed by Twyne, *Ant. Oxon.* p. 60, also (p. 77) a Bull of Sergius I, produced on the same occasion. Both in Caius, *De Antiq. Cant.* (1574), pp. 58, 60.

[4] The Bull of Martin V to the Prior of Barnwell delegating the affair is preserved in the Registry (vol. I. p. 96), as also the ensuing 'Process' (Drawer I. 18) and the confirmation by Eugenius IV in 1433 (vol. I. p. 100)—all printed in the *Hist. and Antiq. of Barnwell Abbey*, App. p. 31.

among the primeval Universities which were not founded but grew: Cambridge is treated as having been for the first time erected into a Studium Generale by the Bull of John XXII in 1318[1], which is undoubtedly worded in the ordinary form of a foundation-bull creating a new Studium Generale with the *jus ubique docendi* and other privileges. Without discussing again the correctness of Father Denifle's general theory as to the nature of a Studium Generale, it may be pointed out that his treatment of Cambridge is upon his own principles somewhat arbitrary. The term Studium Generale was perhaps less used as well as less exactly defined in England than was the case in Italy, while Cambridge was little known on the Continent. It may therefore be difficult to cite passages in which Cambridge is explicitly styled a Studium Generale before the grant of the Papal Bull. But it may still be contended that in the thirteenth century the Studium possessed all the characteristics which were included in the vague conception of a Studium Generale then prevalent—a considerable number of Masters both in Arts and in at least one of the superior Faculties, students from distant regions, regular Licences and Inceptions, Royal recognition and privilege. If we ask how far in the early part of the fourteenth century the *jus ubique docendi* would have been conceded to Cambridge on the strength of ancient prescription, it is sufficient to say that at Oxford at all events Cambridge degrees were in all probability fully recognized[2]: and that therefore on the very strictest interpretation of Denifle's canons, Cambridge should at least be

CHAP. XII, § 8.

Bull of John XXII, 1318.

[1] Printed by Fuller, p. 80. It is true, however, that a chronicler speaks of the University as created *de novo* at this time: 'An. MCCCXX° de studio Grantebrigge facta est universitas sicut est Oxon. per Curiam Romanam.' *Chron. Petri de Ykham* in the Library of C.C.C., Cambridge (No. 339).

[2] *Mun. Acad.* p. 399. This Statute is not dated; but, as Cambridge enjoys privileges over and above other Universities, the concessions cannot be merely ascribed to the Papal Bull. An inference may possibly be drawn from the Statutes of Peterhouse, which allow two or three scholars at a time to study at Oxford. They would hardly have done this unless they could be admitted *ad eundem* in that University.

CHAP. XII, § 8. recognized as a *Studium Generale respectu regni* before the Bull of 1318[1].

Insignificance of medieval Cambridge.

Surprising as most Englishmen will probably think this particular application of the strict juristic theory as to the nature of a Studium Generale, Denifle's treatment of Cambridge will have a salutary effect if it awakens the English mind to the medieval insignificance of a University which at present divides so exactly the higher education of this country with her more ancient rival. Up to the end of the fourteenth century—that is to say, virtually up to the downfall of Scholasticism—Cambridge was a third-rate University; its position relatively to Oxford was the position of Erlangen or Greifswald as compared with Berlin, the position of S. Andrews as compared with Edinburgh, without that halo of superior antiquity which still enables little S. Andrews to bear herself proudly among the Universities of Scotland. Not a single great Schoolman can be shown to have taught at Cambridge: it is hard to produce the name, I will not say of a great man but of a prominent ecclesiastic, who studied at Cambridge before the middle of the fourteenth century. Its surviving Statutes, late as they are, bear witness to the smallness of its numbers. It is contemplated that the whole number of its Regents in Art smay not exceed twelve[2]: while it is necessary to make provision for the absence of even a single Doctor in Decrees or in Medicine[3]. It was not till Oxford had become impregnated with the Wycliffite

[1] A further argument may be drawn from the fact that Oxford applied for a Papal Bull conferring the 'ius ubique docendi' at the same time as Cambridge. (Above, I. p. 16; *Chartul. Univ. Paris*, T. II. No. 756.) Oxford is admitted to have been already a Studium Generale. Too much must not be made of the fact that the Papal Chancery happened to draw up the Bull in the form which it was accustomed to use for the foundation of a new University. It is quite possible that the Papal scribe had never heard of Cambridge in 1318.

[2] Non regents may in this case vote in the election of Chancellor. *Documents*, I. p. 309. So again *ib.* p. 361.

[3] 'Si doctor in decretis regens in villa non fuerit.' *Documents*, I. p. 365. So the Proctors may present for medical degrees, 'si nullus regens vel non-regens in urbe fuerit.' *Ib.* p. 367.

heresy that Cambridge came into fashion with cautious parents and attracted the patronage of Royal champions of orthodoxy and their ecclesiastical advisers. The numbers grew rapidly during the latter half of the fifteenth century, and towards its close must have nearly equalled the much diminished population of Oxford[1]. CHAP. XII, § 8.

The organization of the University of Cambridge is so completely framed on the Oxford model that it will be enough to specify a few points in which the ancient Statutes of Cambridge exhibit original features of their own. In dealing with their contents, it is necessary to remember that we have no very ancient Statutes belonging to the University. The University Archives were burned by the Townsmen in the great 'Town and Gown' riots of 1381[2]. There are scarcely any Statutes which can be with any confidence referred to a period before 1381: the great majority of them belong to the fifteenth century[3]: the earliest extant fragment of a Statute-book dates from *circa* 1398[4], the earliest Proctor's book from 1417[5]. We are Resemblance to Oxford.

[1] It appears from the MS. *Liber Gratiarum* A that in 1458 there were only six Inceptors in Arts. A great change seems to take place about 1459, when there were eighteen Inceptors — almost equal to the Oxford average at about the same time. At the beginning of the sixteenth century, the Scotch historian, John Major, describes Cambridge as 'Oxonia paulo inferior tam in scholasticorum numero quam in literis' (*Hist. maj. Britanniæ*, Paris, 1521, f. viii). He continues: 'In utraque vniuersitate quatuor aut quinque millia scholasticorum inuenies, omnes sunt adulti, enses et arcus ferunt, et pro magna parte nobiles. In collegiis autem grammatice non incumbunt. . . . In Europa opinione mea in musica sunt primi.' The evident exaggeration of the statement about the age of students, &c. detracts from his estimate of the numbers, which is clearly much too high for this period.

[2] *Rot. Parl.* III. 108; Cooper, *Annals*, I. pp. 120–1. It is worth while to cite Erasmus' character of the Cambridge townsmen: 'Vulgus Cantabrigiense inhospitales Britannos antecedit, qui cum summa rusticitate summam malitiam conjunxere' (Lib. VI. Ep. 27).

[3] The Editor of the *Ancient Statutes* shows that the Statute about the Bedels must be 'ante 1276' (*Documents*, I. p. 354): does this owe its survival to a copy being in the possession of a Bedel, and therefore less exposed to danger?

[4] Known as the 'Liber Procuratoris Antiquus,' some leaves of which are bound up in the Junior Proctor's Book. See the Preface to the Statutes in *Documents*, I. p. 306.

[5] Known as 'Markaunt's Book'; but the majority of the Statutes are

CHAP. XII, § 8.

therefore prevented from tracing the growth of the academic constitution, which it would have been interesting to compare at each stage of its development with the successive changes at Oxford, and can only portray the constitution as it is presented to us, fully grown, at the beginning of the fifteenth century. And here the following points of contrast seem noteworthy:—

Points of Contrast: Proctors and Rectors.

(1) It has already been noticed that the Proctors were at Cambridge habitually styled Rectors. In the earliest Statutes the title Rector is often used alone: in others it is 'Rectores sive Procuratores.'

Taxors.

(2) The Taxors, whose primary function was the taxation of Halls, were associated with the Chancellor in the custody of the assize of bread and beer[1]: and in various ways were more important officers than at Oxford. It is no doubt owing to this circumstance that the office has at Cambridge survived till yesterday. Among other duties the Taxors performed some of the functions of the Oxford Clerk of the Market.

Trial by Masters.

(3) We have seen that the earlier code of Legatine Statutes at Paris issued in 1215 appears to recognize the right of the individual Master to try causes in which his scholar was defendant. There is no trace of such a prerogative in the Oxford Statute-book: but it is distinctly recognized at Cambridge[2] in the case of minor causes except when the scholar has 'expressly or tacitly renounced the jurisdiction of his Master.'

Voting in Congregation.

(4) There is no trace of a 'Black' or 'Previous Congregation,' a circumstance which explains the absence at a later date of the Proctorial veto. How far there was any

found only in the Senior Proctor's Book.

[1] *Documents*, I. p. 349. Later (as it would seem) a Statute was passed to restrict their powers. *Ib.* pp. 322, 323. They ranked next to the Proctors. *Ib.* p. 35.

[2] 'Magistri Regentes causas scholarium suorum ex parte rea existentium audiant et decidant universas, dummodo hoc postulaverint vel conventi hoc idem in judicio allegaverint' (*Documents*, I. p. 328). This and some other details of the Statutes suggest that Cambridge sometimes borrowed its institutions direct from Paris, and not indirectly by way of Oxford. Cf. above, vol. I. p. 292.

voting by Faculties is not clear: but it would appear that the Doctors of the Superior Faculties had some distinct voting power, since 'the consent of all the Doctors' is recited together with that of the Regents and Non-regents[1].

The Master of Glomery.

(5) Another wholly peculiar Cambridge institution is the office of *Magister Glomeriae*—a superintendent of the Grammar-schools appointed by the Archdeacon of Ely, whose jurisdiction over these inferior schools dates no doubt from a time prior to the existence of the University. A dispute arising between this official and the Chancellor, Hugh Balsham, Bishop of Ely, in 1267 decided that the Master of Glomery should have jurisdiction in all disputes or causes of grammar-boys (*Glomerelli*) among themselves or with townsmen, but that causes between the Glomerels and members of the University should go to the Chancellor's Court[2]. The Master of Glomery presented for degrees in Grammar in the absence of a Master of that Faculty[3].

[1] 'In plena congregatione Regentium et Non-regentium ... consentientibus omnibus doctoribus secularibus et religiosis' (MS. *Liber Gratiarum* A ad ann. 1457).

[2] Doc. in Fuller, p. 47; Peacock, App. A. Cf. Harleian MS. (Baker) 7040, p. 219. A building used as a Grammar-school was called 'Le Glomery Halle' (Willis and Clark, I. p. 320). The word 'Glomerellus' is used of the Grammar-boys in the School founded by Abbot Samson at Bury S. Edmund's. British Museum Add. MSS. 14,848. f. 136 (privately printed with the Statutes of the Free Grammar-school at Bury, and kindly communicated to me, by my colleague, Lord Francis Hervey). Cf. above, p. 138. The Magister Scolarum at Bury had a regular jurisdiction where one of his scholars was a party, and no one was allowed to teach within the liberty of S. Edmund without the permission of Abbot and Master.

[3] *Documents*, I. p. 374. The Archdeacon's commission to the Master of Glomery (Caius Coll. MS. No. 204, f. 216) begins: 'Cum ordinacio, disposicio et collacio Scolarum Grammaticalium et Magisterii Glomerie in universitate Cantebrigiensi ad nos et Archidiaconum Eliensem quemcunque pro tempore existentem, dinoscitur notorie pertinere,' &c. Observe how this survival from the pre-University era shows the improbability that the University Schools in any way grew out of the old Schools of the town. Had there been any Schools but Grammar-schools in Cambridge before 1209, the Archdeacon and Magister Glomeriæ would doubtless have claimed jurisdiction over the Masters and Scholars who arrived from Oxford in that year.

CHAP. XII, § 8.

Shorter D.D. course.

(6) The course in Theology was shorter than at Oxford. A Doctor's degree could be obtained in ten years, even by the candidates who had not been M.A.[1]

Bachelors vote.

(7) In some of the earliest Statutes of the University (one of them dated 1275) we find Bachelors—perhaps Bachelors of the Superior Faculties—present and apparently voting in Convocation[2]. The anomaly is not unparalleled in very small Universities. It disappeared at a later date.

Studies.

(8) Our information as to the books required for degrees in various Faculties in various Universities at various times is so incomplete that it is hazardous to institute comparisons between them, but the Cambridge Statutes do seem to give a prominence to Mathematics in which it is tempting to find a prognostication of that devotion to the subject which has been the most characteristic feature of Cambridge studies for the last 200 years. The candidate for Inception in Arts was required to have been hearing mathematical lectures (in addition to Aristotle) during the whole three years of his course between Determination and Licence[3]. A later Statute assigns the first year to Arithmetic and Music, the second to Geometry and Perspective, the third to Astronomy[4]; but by this time six weeks' lecturing is counted as a year.

The *Caput Senatus*.

(9) In the year 1488 with a view of putting a stop to the excessive and probably corrupt laxity with which graces or dispensations were given by the Regents, it was enacted that no grace dispensing from the statutable requirements for degrees should be submitted to the House without the previous consent of a Board consisting of the Chancellor or Vice-Chancellor, and two Doctors of Superior Faculties. Here we have no doubt the first germ of the

[1] *Documents*, I. p. 377.

[2] So in the copy printed by Peacock, p. 23. The preamble disappears in the Statute-book. *Documents*, I. p. 342: but cf. *ib.* p. 335, where we hear of 'majores baccalaureos ... specialiter in plena magistrorum congregacione ad hoc vocatos.' Cf. above, p. 239.

[3] *Documents*, I. p. 360.

[4] *Ib.* p. 382. The Statute shows that Religious were here admitted to Arts lectures.

peculiar Cambridge institution afterwards known as the Head of the Senate[1]. CHAP. XII, § 8.

(10) The Non-regents, in certain cases at least, claim a share in the election of Chancellor[2]. Non-Regents.

I fear there may seem to be something almost disrespectful in the brevity with which I have disposed of so great a University as Cambridge. But the fact is that it is almost impossible to find anything to say about medieval Cambridge which has not already been said of Oxford. It is surprising how rarely allusions to Cambridge and its affairs are found in the pages of historians—perhaps once for every ten or twenty times that the name of Oxford occurs in the Chroniclers. If apology for my treatment of Cambridge be needed, it is supplied by the conduct of its own very learned historian, who has been driven for lack of material bearing upon medieval Cambridge to fill his pages with the history of Oxford. So scanty are the earlier records of Cambridge that we should be tempted even to exaggerate its medieval unimportance but for those standing memorials of its past which are supplied to us by her Colleges, to the history of which we must now turn[3]. At Oxford the University had reached European fame before its earliest College was founded. At Cambridge there is reason to believe that the University was kept alive during its obscurer period and eventually nursed into fame and popularity very largely through the munificence of College-founders. Lack of materials.

[1] 'Quod nulla gratia tempus aut formam concernens de cætero petatur, nisi prius coram cancellario præsidente aut vice-cancellario et duobus doctoribus in congregacione publice legatur ac per eosdem petenda decernatur' (*Documents*, I. p. 318). As to the later history of the *Caput Senatus*, see Peacock, p. 21 *sq.*

[2] There was an appeal on the subject to the Arches Court in 1369. (Camb. Registry, vol. I. 38.) Cf. below, p. 552 *n.* 2.

[3] The Halls, at Cambridge known as *Hospicia*, have died out. The bodies so called, 'Trinity Hall, Clare Hall,' &c. are really Colleges, just as Balliol used to be *Aula de Balliol*, &c.

CHAP. XII, § 9.

§ 9. THE COLLEGES OF CAMBRIDGE.

The Hospicia.

The system by which Halls were let to parties of students under a Principal was exactly the same at Cambridge as at Oxford. At Cambridge, however, the more usual name was Hospicium or Hostel—not the only instance in which a Parisian usage has been preserved more faithfully at Cambridge than at Oxford. It is still more clear than at Oxford that the Principal was freely elected by the Students[1]: and (whatever may have been the case at Oxford or Paris) their rights remained quite unimpaired down to the fifteenth century[2]. Eventually, when the majority of Halls had passed into the possession of Colleges, the Colleges appointed an 'external Principal'—sometimes styled the 'Superior' or 'Con-Principal,' while the students continued under the immediate government of an 'internal Principal,' elected by themselves with the consent of the 'external Principal[3].' The Halls died out at Cambridge before the close of the sixteenth century[4].

William of Kilkenny's bequest, 1256.

In the year 1256 William of Kilkenny, Bishop of Ely, died, leaving a benefaction singularly like the bequest of Alan Basset at Oxford a few years before. He gave 200 marks to the Prior of Barnwell on condition of his paying a stipend of 10 marks annually to two Priests studying Divinity in the Cambridge Schools, who were also of course to say mass for the Bishop's soul[5]. At

[1] See the thirteenth-century Statute printed by Mullinger, I. p. 639.

[2] A Statute—probably of this date—gives the Chancellor power to visit Hostels and remove an incompetent Principal, but provides that 'alium principalem sociis ejusdem hospitii . . . eligendi libera facultas maneat' (*Documents*, I. 316).

The same Statute forbids students 'alibi in villa quam in aula vel hospitio sub magistro vel principali moram facere.'

[3] See the testimony of Dr. Caius. *Hist. Cant. Acad.* p. 49; Willis and Clark, I. p. xxi; II. p. 417.

[4] Seventeen lasted to Caius' time; for a list of twenty Hostels, see his *Hist. Cant.* p. 47; Willis and Clark, I. p. xxv.

[5] Bentham, *Hist. and Antiq. of Ely* (Norwich, 1812), p. 149; *Hist.*

Cambridge, however, as at Oxford, the earliest patterns of actual collegiate life were supplied by the Mendicants. The Franciscans came in 1224 or 1225 and established themselves in the Old Synagogue, whence fifty years later they moved to the site now occupied by Sidney Sussex College[1]. The Preachers did not arrive till 1274[2]. In the course of the century Friars of the Sack, Friars of Blessed Mary and Carmelites, Augustinians and Canons of Sempringham, established themselves in Cambridge[3]. The Benedictine students from Croyland and the neighbouring Monasteries appear to have lived in scattered Halls till 1428, when they acquired a permanent College of their own[4], afterwards known as Buckingham College, the site of the present Magdalene.

PETERHOUSE (1284).

An account of the early foundation of the College is contained in Thomas Baker, *Hist. of the College of S. John the Evangelist*, ed. Mayor, I. p. 13 *sq.*

The first secular College at Cambridge was founded after the earliest Oxford Colleges and in avowed imitation of the greatest of them. About the year 1280 Hugh Balsham,

and Antiq. of Barnwell Abbey, in Nichols, *Bibliotheca Topographica Britannica*, pp. 53, 71, App. p. 23; Harleian MS. 7036 (Baker), pp. 29, 37. The case is contemplated 'quod universitas Cantabrigiensis processu temporis dissipetur' (*ib.* p. 38).

[1] *Mon. Franc.* ed. Brewer, I. 10, 17; II. (ed. Howlett) 9, 19.

[2] It appears that Cambridge, as well as Oxford, had its struggle with the Friars, and at about the same time. In the Parliament of 33 Edward I, the University complains that the Preachers and Minors deny the jurisdiction of Chancellor and University, and have cited the Chancellors and Masters to the Roman Court. The answer is 'Non licet summonere aliquem ad curiam Romanam nisi per viam appellationis' (*Mem. de Parliamento*, ed. Maitland, 1893, p. 34). As to the issue, see Cooper, *Annals*, I. p. 70.

[3] The first three are mentioned in 1278–9 (*Rotuli Hundredorum*, II. p. 360; Cooper, I. p. 59); the two last in 1291 (*Hist. of Barnwell*, p. 35).

[4] Wilkins, *Concilia*, III. p. 468; Dugdale, *Monasticon*, ed. Caley, II. p. 123; Reyner, *Apostolatus Ben.* App. p. 176; Cooper, *Annals*, I. p. 179. A bull of Sixtus IV, cited by Willis and Clark, I. P. 1, mentions the surprising fact that the monks of Norwich were in the habit of residing with the seculars of Trinity and Gonville Halls, and sanctions the practice.

CHAP. XII, § 9.

The Hospital of S. John.

Foundation of College.

Bishop of Ely, introduced a body of secular scholars into the ancient Hospital of S. John[1]. The Hospital was in the hands of a body of Regular Canons: and the attempt to unite seculars and regulars on the same foundation appears here, as upon a later and more celebrated occasion, when the experiment was repeated, to have conspicuously failed[2]. In consequence of the 'dissensions' which had arisen, the Bishop in 1284 determined to separate the two bodies and divide the property between them. The Church of S. Peter without Trumpington Gate[3] was impropriated to the Society afterwards known as S. Peter's College or Peterhouse[4], though at first more usually styled 'The Scholars of Ely.'

Certain Hostels near the Church became the habitation of the community: and the existing, though now much altered, hall was built with the Founder's legacy soon after his death in 1386[5]. The House was at first but slenderly endowed with impropriations. In 1307 it obtained the adjoining property, hitherto occupied by the Friars of the Sack (*De Pœnitentia Jesu*), an Order doomed to extinction by the Council of Lyons in 1274[6]. The Bishop appears at first, like most Parisian College-founders, to have reserved to himself and his successors the patronage of his College. In 1338, however, Bishop Simon Montagu resigned this right to the College—a striking illustration of the decisive influence upon the form and structure of our English College

[1] 'Nos igitur attendentes venerabilem patrem Hugonem Elyensem Episcopum proposito laudabili concepisse quod loco fratrum sc̃lariū (i. e. *probably* scolarium) in hospitali suo Sancti Johannis Cantabrigie scolares studiosi subrogentur qui secundum regulam scolarium Oxonie qui de Merton cognominantur in Universitate Cantabrigiensi studentes' (Rot. Parl. 9 Ed. I, m. 28; *Documents*, II. p. 1). Cf. *Harleian MS.* (Baker) 7047, f. 208 *sq.* Prickett and Wright (Fuller, p. 28 *note*) date the foundation in its earliest form from 1257, but do not state their authority.

[2] See above, p. 498.

[3] Rebuilt *c.* 1350, and styled S. Mary's-the-less. It was used as the College Chapel till 1632, though from 1388 there was also an oratory in college. Willis and Clark, I. pp. 40, 50.

[4] Rot. Chart. 13 Ed. I, No. 103 (*Documents*, II. p. 1 *sq.*), and the Register of College Benefactions (*ib.* p. 45.)

[5] Willis and Clark, I. p. 19.

[6] *Ib.* I. p. 5.

system of the epoch-making foundation Statutes of Walter de Merton at Oxford. He reserved to himself, however, the right of admitting the scholars-elect to these places[1]. From this prelate the College received its first extant code of Statutes[2]—a code which was superseded by an emended version confirmed by the same Bishop in 1344[3]. Both codes incessantly appeal to the 'rule of Merton' and are entirely inspired by that model. The College was to consist of a 'Master or Warden' and fourteen Scholars, together with three poor Grammar-boys who were to sing in the College Church and serve the Scholars in Hall or Chamber[4]. The Scholars are to be at least B.A. on election, to proceed to M.A., and then to study Theology; but two may be allowed to proceed in the Canon or Civil Law and one in Medicine[5]. Two or three Scholars at a time may be licensed to study in Oxford—a good illustration of the relative positions of Oxford and Cambridge in the fourteenth century[6]. It is noteworthy that the distribution of Fellowships among particular dioceses dates in the case of this as of many other English Colleges from a comparatively recent period[7]. The full account which has already been given of the Statutes of Merton will dispense from entering in greater detail into the constitution and regulations of Merton's Cambridge daughter.

THE KING'S HALL (*ante* 1316).

The earliest allusion to a body of Scholars supported by the Royal liberality at Cambridge occurs in a writ of 1316, ordering the Sheriff of Cambridge to pay the arrears of their allowances, and to continue the same

[1] Such are undoubtedly the provision of both codes of Statutes (*Documents*, II. pp. 64, 65): as to the earlier practice the only authority appears to be Baker, I. p. 33. The Master was selected by the Bishop from two candidates elected by the Colleges.

[2] *Documents*, II. p. 57 *sq.*

[3] *Ib.* p. 6 *sq.*

[4] *Ib.* pp. 19, 20, 25.

[5] *Ib.* pp. 10, 22, 23.

[6] *Ib.* p. 23.

[7] From the Episcopate of Bp. Richard Redman (*Documents*, II. p. 66).

CHAP. XII, § 9. regularly henceforward[1]. They were then twelve in number and are described as 'children of our Chapel.' They were then, it appears, recruited from the Choir of the Royal Chapel. The King's Scholars had from the first lived together as a community though in hired Hostels. Edward III increased their number to thirty-two, placed the foundation upon a permanent footing, built them a House of their own, and impropriated the Rectory of Northampton to the College[2]. Richard II gave them a body of Statutes[3]. A remarkable feature of these Statutes is the introduction of an age-limit: Scholars are to be at least fourteen on admission. The right of appointing the Warden, and the right of Visitation were at first reserved to the Crown; but the latter was transferred by Henry VI to the Provosts of King's and Eton[4]. It is said that this is the College which, under the name of Solar Hall, has been immortalized by Chaucer in the Reeve's Tale. In the reign of Henry VIII the foundation was swallowed up in the great College, whose excessive size and predominance have been from that time to the present such unfortunate features of Cambridge life.

MICHAELHOUSE (1324).

An account of the College is given by Mullinger, I. p. 234 *sq.*, who prints the Statutes in an Appendix.

Another Cambridge College which no longer retains a separate existence was known as Michaelhouse and

[1] *Documents*, I. p. 66. In the Parliament of 33 Edward I, the King is petitioned 'quod ipse velit esse fundator unius domus quam eadem Universitas ordinavit pro pauperibus scolaribus in eadem Universitate commorantibus sustentandis,' and praying for a licence of Mortmain; in reply to which an inquisition *ad quod damnum* is directed. *Mem. de Parliamento*, p. 33. I cannot say whether the King's Hall was in any way the outcome of this petition.

[2] Rot. Pat. 11 Ed. III, p. 3. m. 24, which founds (as if *de novo*) a College of thirty-two Scholars to dwell together in the King's House near the Hospital of S. John. At the same time they are granted the Church of S. Peter, Northampton. Cf. Willis and Clark, II. p. 682 *sq.*; *Documents*, I. p. 67 *sq.*

[3] Printed in Rymer, III (1740), pt. iii. p. 94.

[4] Rot. Pat. 26 Hen. VI, p. 1. m. 12.

was founded by Hervey de Stanton, Chancellor of the Exchequer and Canon of York and Wells, in 1324[1]. As Balsham's scholars were intended to serve the Church of S. Peter, so the 'Scholars of S. Michael' were attached to the Church of that name, a connexion which no doubt explains the provision—unusual in the early Colleges—that all the students were to be 'Priests or at least in holy orders' when admitted: all the Fellows in Priest's Orders are styled 'Scholar Chaplains.' All were to study Theology[2]. The Chancellor of the University was made the ordinary Visitor of the House with a power of appeal in difficult cases to the Bishop of Ely. The Statutes given by the Founder are preserved and are earlier than the extant Statutes of Peterhouse[3]: they are not detailed in their provisions and show no marked traces of the Mertonian influence, though the College-constitution is on the Mertonian model. The individual existence of Michaelhouse was eventually extinguished in the great College which that munificent donor of other people's property, King Henry VIII, erected upon the ruins of more than one earlier foundation.

UNIVERSITY OR CLARE HALL (1326).

This College derives its present name from Elizabeth de Burgh, Countess of Clare, and grand-daughter of Edward I. She had inherited all the family estates through the death of her brother, Gilbert de Clare, Earl of Gloucester and Hereford, who fell at Bannockburn[4]. But the work of the Countess was merely an additional endowment

[1] Rot. Pat 17 Ed. II. p. 2. m. 12, and 1 Ed. III. p. 1. m. 24.

[2] Mr. Mullinger (I. p. 234) states that Fellows have to be on admission 'at least Bachelors incepting' in Arts; this can hardly be got out of the words 'et qui in artibus incipere teneantur' (*ib.* p. 641), which mean merely that if not M.A. they must go on to that degree, and then apply themselves to Theology.

[3] Printed by Mullinger, I. p. 640 *sq.* Most of the documents are copied in a book known as the Otryngham book, compiled by a Warden of that name (1427–1433), now in the possession of Trinity College. See Willis and Clark, II. p. 669.

[4] Cooper, *Memorials*, I. pp. 25–30.

CHAP. XII, § 9. of a small College known as 'University Hall,' which the University itself had founded by Royal licence in 1326. This community certainly came into existence, but we hear no more of its history till in 1336 Richard de Baden, Chancellor of the University, described as 'Founder, Patron, and Advocate of the House called the Hall of the University of Cambridge,' grants all his rights in it to the Lady Elizabeth, in consideration of an advowson bestowed by her on the College. The rights thus bestowed upon the Countess were the 'advocacy' (or advowson) and 'patronage' of the College[1]. The object was evidently to make her the titular Foundress, and from her no doubt most of the endowment was derived; but nevertheless there was no real breach of continuity, and the College must be considered to date from 1326. The Statutes were based on those of Michaelhouse[2]. By the Statute issued by the Foundress in 1359 the 'perpetual Fellows and Scholars' were to be, when the funds permitted, twenty in number, of whom six must be Priests. Two might study Civil Law, one Canon Law, and one Medicine: the rest were to be Artists or Theologians. The Statutes were approved by the University, and the Chancellor continued Visitor of the re-constituted College. A new Code of Statutes received the confirmation of Boniface IX in 1401[3].

PEMBROKE (1347).

The *Documents* (II. p. 189 *sq.*) print only the Royal Licence for the foundation (Rot. Pat. 21 Ed. III, p. 3. m. 9), and the Statutes as revised in 1844. There are two MS. Codes of Statutes in the possession of the College: (1) the Statutes of 1347 (of which there is a duplicate in the

[1] To speak with Mr. Mullinger (I. 251) of a 'greater liberality in the requirements respecting the professedly clerical element' in the Statutes of this College is (as it appears to me) to put a somewhat anachronistic idea into the mind of a medieval Founder. All the Colleges were designed for ecclesiastics, whether they were required to take holy orders while still in the College or not.

[2] *Documents*, II. p. 117; *Harleian MS.* (Baker) 7029, p. 169.

[3] Vatican Register *De Exhibitis*, f. 46.

University Registry); (a) an undated Code, in all probability of earlier date (see below). I am much obliged to the kindness of the Rev. Dr. Searle, the present Master, and of the Treasurer, Mr. Hadley, for giving me access to these documents. Mr. Mullinger (I. pp. 236, 237) gives extracts from a MS. account of the Foundress by Dr. Ainslie, late Master of the College, which I have also seen. The Statutes as altered by Edward VI's Visitors have been printed in a dateless quarto (after 1733).

The considerable number of Colleges founded at Cambridge in rapid succession towards the middle of the fourteenth century testify to the marked progress of the University at this time. The first of these was Pembroke or Valence S. Mary, founded in 1347 by Marie de S. Paul, otherwise known as Mary de Valence, the widowed Countess of Pembroke, and was designed for twenty-four major and six minor Scholars[1]. Only the former of course were full members of the foundation. All were to study Arts and afterwards Theology, except two Canonists and one Medical Fellow. The College is remarkable as the only College in an English University in which a preference was accorded in the election of Scholars to students of French birth[2]. The provision is accounted for by the parentage of the Countess, who was a daughter of Guy, Count of S. Paul. The earliest extant code of Statutes was no doubt drawn up under the influence of the Countess's Franciscan confessor. The College is placed under the authority of two annually elected, external 'Rectors,' who were to admit the Fellows (elected, however, by the College) and to exercise certain very restricted Visitatorial powers. One of the Rectors was to be taken from the Friars Minor, of whom the Foundress was a great patroness; the other was a secular[3]. This exact provision is found in the Statutes of Balliol College, which, we have reason to believe, were based on Parisian

[1] These places are also spoken of as 'exhibiciones minores.' If not elected 'major scholars,' they were to leave the House when called upon to do so by the Warden and Scholars.

[2] *Documents*, II. p. 197.

[3] A minor peculiarity is the position of the Dean, who is simply 'decanus capelle' (elsewhere 'cantor capelle aut decanus').

CHAP. XII, § 9.

models before the date of the characteristically English Rule.

This provision disappears in another Code of Statutes, in the possession of the College, which is distinctly stated to have been issued in 1347. There is nothing decisive to show which Code is the earliest, but the Statutes would be more likely to be assimilated to the ordinary Cambridge type after a short experience of their working than so unusual a feature as the supervision of the two Rectores to have been introduced at a later period. Moreover, on the latter supposition there would be no evidence to show how the College escaped, as it undoubtedly has escaped, from the tutelage in which it was placed by the Foundress[1]. There is indeed no evidence that the undated Code was ever in force.

GONVILLE (1348).

A paper entitled *Stabilitio Fundacionis per Rēv. Patrem Dnm̄. Willm̄. Bateman. Norwici Episc.* exists among the Baker MSS. at Cambridge (XXIX. 271). In *Documents*, II. pp. 213 *sq.*, are printed the Royal Licence to Gonville (Rot. Pat. 22 Ed. III, p. 1. m. 33), Bp. Bateman's Statutes, and some brief 'Annals' by Francis Blomefield. There is a MS. History (*Annales*) of the College by Dr. Caius in the College Library, for access to which and to some other MSS. I am indebted to the Rev. E. S. Roberts, President of the College.

In the year 1348, a College for twenty Scholars in

[1] Mr. Mullinger (I. p. 237) says: 'The preamble in Heywood, *Early Statutes*, p. 179, and that in *Documents*, II. 192, are calculated to give the impression that the Statutes of 1347 are still extant, but such is not the case. "Although no copy of them is extant," says Dr. Ainslie, "yet it is certain that they were enacted in the year 1347, since the revised copy of Statutes, by which they were superseded, though itself wanting in date, explicitly states that fact. The document containing the revised Statutes is in the form of an indenture,"' &c. I am at a loss to understand these remarks. I have seen both Codes in the College Treasury—(1) the Code of 1347, which is distinctly so dated, and (2) the undated Indenture, which I take to be the earlier of the two. Dr. Ainslie rightly treats the Indenture as the earlier, but seems to have in some way misunderstood the preamble of the 1347 Statutes. Mr. Mullinger appears (1) to take the first of these documents for the Statutes of 1366, and (2) to assume that the Indenture belongs to some period later than 1366. It is likely enough that the Bishop or the University (both of them confirmed the dated code) objected to the Rectors. There is a blank after 'hiis testibus,' and the Indenture may never have been executed.

Arts and Theology was founded by Edmund Gonville, sometime Vicar-General of the diocese of Ely[1]. It is characteristic of the difference between the great national University of Oxford and the more local reputation of Cambridge, that nearly all the Colleges in the latter, down to the period of the reaction against Wycliffism, were founded by persons closely connected with the eastern Counties. The original Founder of Gonville Hall died a year after its first Statutes were promulgated (1350), and the College was left very inadequately provided for. The completion of the work was taken up by his executor, William Bateman, Bishop of Norwich, a distinguished Cambridge Canonist from the Court of Avignon, by whom the Statutes were remodelled with a view to the encouragement of his favourite studies[2]. The Scholars, after completing their necessary Regency in Arts, were henceforth free to betake themselves to Theology or to the Canon and Civil Law: two might choose the Faculty of Medicine[3]. At the same time the House was re-christened as the 'College of the Annunciation.' Soon after this second foundation (1352) the site of the College was moved from its original position in Luttburgh Lane, now known as Free-school Lane, to its present habitation, hitherto belonging to the Founders of Corpus, near the other foundation of Bishop Bateman, of which we have next to speak[4]. The College, originally consisting of a Warden and four Fellows, grew by successive benefactions, and now bears the name of 'Gonville and Caius College,' after its refoundation in 1558 by Dr. John Caius, the celebrated Physician of Henry VIII, and the earliest of Cambridge Antiquaries[5].

[1] *Documents*, II. p. 367.

[2] The deed of foundation, dated 1351, is in Ely Reg. Thomas de Insula, f. 45 *b*.

[3] *Documents*, II. p. 226.

[4] The original site was sold for the building of Corpus Christi College in 1353. Willis and Clark, I. p. 243.

[5] Rot. Pat. 4 and 5 Phil. and Mary, p. 7. m. 3 (41); *Documents*, II. p 215.

CHAP. XII, § 9.

TRINITY HALL (1350).

The Deed of Foundation and Founder's Statutes are printed in *Documents*, II. p. 415 *sq.*

Already, before taking up the unfinished work of Gonville in $13\frac{4}{5}\frac{9}{5}$, Bishop Bateman had become the Founder of a College which he intended to be called 'The College of the Scholars of the Holy Trinity of Norwich.' It is probable that he had already established his scholars in a Hostel hitherto occupied by scholar-monks from Ely[1]. Here the Bishop was free to carry out his own ideas unfettered by the wishes of another patron. The College was designed entirely for the study of the Civil and Canon Law. The Scholars were to be at least B.A. on admission; and of twenty Scholars, ten were to be Legists, and seven Canonists (who were to take Priest's orders), though a Doctor of Canon Law might remain in the College with a view to graduating in Theology. But the endowments of the College were never sufficient to provide for this number[2]. The most noticeable feature of Bishop Bateman's Statutes is the liberality of his allowances and the sumptuousness of his domestic arrangements. While the annual allowance of a Fellow of Merton or Peterhouse was but fifty shillings, the budding lawyer of Trinity Hall received (according to his degree) from six to ten marks, besides certain special distributions on festivals, so that a Doctor-fellow might be in receipt of nearly three times the income of a Scholar of Peterhouse. Clearly Bishop Bateman, at all events, did not intend his Fellows to be either paupers or ascetics. A similar liberality, suitable to the superior social position of a Canonist, is evident in the

[1] Willis and Clark, I. pp. 210, 237.

[2] There are said to have been only three Fellows and three Scholars for more than a century after the Founder's death. Willis and Clark, I. p. 217. The College used the Church of S. John the Baptist till 1445, when an 'Aisle' was built for it in S. Edward's. *Ib.* p. 220. In 1481 a Bull of Sixtus IV permitted Benedictine monks of Norwich to live in either of Bp. Bateman's colleges. *Harleian MS.* (Baker) 7031, p. 239.

establishment provided for by the Founder, which consisted of a 'Dispenser' or Steward, a Baker (who also acted as Brewer), a Cook, an assistant to the Baker, and an assistant to the Cook. The Visitation of the College was entrusted to the Chancellor of the University, who was required in certain cases to act with the concurrence of the Rectors of the University and two Doctors. This regulation as to visitation, it may be convenient to add, is substantially the same at Gonville, Corpus Christi, and Clare [1].

CORPUS CHRISTI (1352).

The *Historiola Collegii Corporis Christi* by JOSSELIN (Latin Secretary to Abp. Parker) has been edited with some documents by Mr. Clark (*Camb. Ant. Soc.* 8°. *Publications*, No. xvii, 1880). This is the foundation of the elaborate *History of Corpus Christi College* by MASTERS (a former Master), Cambridge, 1753, and ed. Lamb, London, 1831. By the courtesy of the present Master, the Rev. Dr. Perowne, I have been allowed the use of the original Statutes of 1356. Large extracts are printed in Masters' *Appendix*, p. 11. They are based on the Statutes of Michaelhouse. Only the Royal Licence and the Statutes as revised in the time of Edward VI are printed in *Documents*, II. p. 445 *sq.*

Although both of Bishop Bateman's foundations were completed after the date of the Black Death, there is no ground for supposing that the great Canonist was influenced either by any special religious zeal (except that zeal for ecclesiastical interests and that anxiety for his own soul which influenced all such foundations) or by any special desire to fill up the ranks of a clergy among whom (it is sometimes asserted) the ravages of the plague had been peculiarly appalling [2]. The latter was, however, the declared motive of the Founders of the College now known as Corpus Christi, though long more usually styled Benet College. The same great calamity was, no doubt, one of the inspiring motives of the numerous foundations which had their origin at this period, both at

[1] *Documents*, II. pp. 230, 231, 123, 128, 448.

[2] The impression *may* have arisen simply from the exacter statistics available in their case. See Gasquet, *The Great Pestilence*, London, 1893, p. 75.

CHAP. XII, § 9.

Cambridge and at Oxford [1]. As its now prevailing name denotes, S. Benet's College was founded, in 1352, by one of the religious and charitable Guilds of the Middle Ages—the Guild of 'Corpus Christi and the Blessed Mary' in the town of Cambridge. It was situated near the Church of S. Benet, which was impropriated to the College and served by its members [2]. The original Master and Fellows (only two in number [3]) continued to perform all the duties of Chaplains to the Guild; that is to say, they officiated at the obsequies of its members. It was perhaps in consequence of this position that we find the Fellows bound by the wholly unusual obligation of saying the canonical hours daily. The College was gradually enlarged through successive benefactions by private individuals. The Alderman and six brethren of the Guild conducted an annual visitation of the College in conjunction with the Chancellor of the University.

GOD'S HOUSE (1441–2).

God's House, founded by William Byngham, Rector of S. John Zachary in London, forms the solitary instance in the English Universities of a College exclusively devoted to the study of Grammar. It was not, however, intended for mere Grammar-school boys before their entering upon the Arts course, like the colleges for Grammarians at Paris. It was designed as a nursery of Grammar-school Masters,

[1] See Preamble to the Statutes of Clare, New College, and even of King's. The formula survived its justification.

[2] The Statutes begin: 'Nos Henricus Dux Lancastrie Aldermannus et confratres Gilde Corporis Christi et Beate Marie Cantabrigie.' Mr. Mullinger (I. p. 447) makes two distinct Guilds, but the *Historiola* (p. 3) shows that they were amalgamated for the purpose of undertaking the building of a college. See the Royal Licence in Masters (1753), App. p. 4. The scheme had been begun by the Guild of Corpus Christi in the years 1342–47.

[3] The number is to be increased with the increase of revenue. The basis of the foundation was supplied by a legacy for a Chaplain already bestowed upon the Guild of S. Mary. Masters, App. p. 2.

and may fairly claim to be the first training or normal School on record. In the Founder's petition to the King for leave to establish the House, it is recited that the petitioner had himself 'founde of late over the last parte of the way ledyng from Hampton to Coventre and so forth, no ferther north yan Ripon, seventie Scoles voide, or mo, yat were occupied all at once, within fiftie years passed, because yat yere is so grete scarstee of Maistres of Gramar [1].' Here we have presented to us one of the effects of the strange intellectual decadence of that fifteenth century of whom there are so many other indications. William Byngham's scheme seems to herald the age of reformed Grammar-schools. It may be noted as more than an anticipation—as an actual indication—of the growth, not indeed of the New Learning, but of that humbler movement towards an improvement in grammatical teaching, which is traceable in many educational efforts of the later Middle Age, and which did in time prepare the way for the New Learning itself. At the same time, like many other reforming movements, it began long before the tendency against which it was a reaction had reached its culmination. The Old Learning did not reach its lowest depth till long after the rise of the New. The general tone of the Universities continued to treat Grammar with contempt, and the general level of Latinity continued to be low, in spite of such efforts towards better teaching of Grammar as are represented by the foundation of Winchester and of Eton, of God's House at Cambridge and Magdalen College School at Oxford [2]. The history of God's House is, however, shorter than that of the foundations with which it has been associated, since in 1505 it was absorbed in the Lady Margaret's foundation of Christ's College. While it existed, it consisted of a Proctor and twenty-four scholars, who

[1] *Documents*, III. p. 153 *sq.*, where also the Charters are printed. Cooper places the petition in 1439 (*Annals*, I. p. 188), and a Royal Licence was granted in the same year (*Documents*, I. p. 42), when the establishment seems to be already in working order.

[2] Cf. above, p. 514.

CHAP. XII, § 9. were to be trained as Grammar Masters and then sent out to teach country Schools. Though it constituted a separate College, it was placed under the government of the Master and Fellows of Clare Hall, to whom the power of framing the Statutes was given by the Royal Charter.

Its original site was part of what is now the Ante-Chapel of King's, from which it was transferred in 1446 to the ground now occupied by the College which has taken its place [1].

KING'S COLLEGE (1441).

There is a notice of William Millington, the first Provost, by George Williams, in *Camb. Ant. Soc. Communications*, vol. I. p. 288 (1859). A *Catalogus Alumnorum*, &c., appeared in 1730 (Etonæ); also 1740 and 1774. The Statutes and Charters have been edited by HEYWOOD and WRIGHT (*The Ancient Laws of the fifteenth century for King's College, Cambridge*, London, 1850).

Object of foundation.

It has already been observed that the reaction against the ingrained Wycliffism of Oxford was at least one of the causes which attracted Royal patronage to Cambridge. Oxford being regarded as hopelessly infected by traditions of heresy (however thoroughly its outward manifestations might have been suppressed) it was thought that in Cambridge a new School of the Church might be raised up to rival or supplant that 'second School of the Church' which had so grievously fallen from her first estate. The most conspicuous manifestation of such a design is the foundation of King's College by Henry VI in 1440, originally known as the College of S. Nicholas. The piety or ambition of an ecclesiastically-minded king was fired by the desire to rival William of Wykeham's magnificent foundations at Oxford and Winchester: the suppression of the alien Priories decreed by Parliament in the preceding reign and carried out in his own provided a convenient

[1] *Documents*, III. p. 163.

means of carrying out the project[1]. The mere desire to found a College where the ground was less preoccupied may have had something to do with the selection of Cambridge rather than Oxford as the site of the King's College of our Lady and S. Nicholas, to which the College of Eton, newly erected hard by the Royal Castle of Windsor, was to occupy the same relation that S. Mary's College at Winchester bore to Winchester College in Oxford. The exact numbers of the two new foundations[2], the intimate bond existing between them, and every detail in their organization, faithfully reproduce the splendidly original design of Wykeham. The Statutes of King's College are almost a transcript of those of New College, reproducing even the now meaningless statement that the College was designed to repair the ravages of the Black Death of 1348. As in other respects, so in the history of its College Architecture the foundation of King's introduced at Cambridge the new era inaugurated by New College at Oxford: it is the first College in which architectural magnificence forms a prominent feature of the Founder's aim. In the magnificent scale of its Chapel the imitation has surpassed its model: King's College Chapel—begun by Henry VI, continued by Henry VII, and completed by Henry VIII—fitly symbolizes the entrance of Cambridge upon that period of her existence in which she was for the first time fairly on a level with her elder sister, and during a great part of which it was true that 'in intellectual activity and readiness to admit improvement, the superiority was . . . on the side of the less ancient and splendid institution[3].'

Imitation of New College.

In one respect Henry VI endeavoured to do more for the honour and glory of his new foundation than William of Wykeham had been able to effect for New College. He

Special privileges.

[1] The successive Royal grants of the confiscated property in *Documents*, I. p. 43 *sq.*, among other feudal privileges, confer the right of having gallows on their manorial lands. Rot. Chart. 21-24 Hen. VI. No 4.

[2] By the existing Statutes: the original foundation was only for a Rector and twelve Scholars.

[3] Macaulay's *Essay on Bacon*.

CHAP. XII, § 9. obtained a Papal Bull exempting the College not only from Archiepiscopal and Episcopal jurisdiction, but also from that of the Chancellor of the University. And the University itself in $144\frac{8}{9}$ accepted this exemption on two conditions, (1) that the members of the College should remain subject to the Chancellor and Proctors in respect of the performance of academical acts and exercises, though free from their judicial and disciplinary authority, (2) that the whole agreement should be void if the Bishops of Salisbury, Lincoln, and Carlisle should pronounce it inconsistent with the 'statutes, privileges, and laudable customs of the University[1].' We are not told what was the ruling of these prelates. But these anomalous privileges seemed so outrageous even to those who were to benefit by them that they induced the resignation of the first Provost, William Millington, and led to a period of strife and confusion which was only ended in $145\frac{6}{7}$ by an agreement between the College and the University, which reserved to the College only the jurisdiction over the foundationers, their tenants and servants, in civil or criminal cases arising out of acts committed within the College, including Probate and Administration[2]. The privilege of the College in matters testamentary was exercised up to the end of the last century. The College was placed under the visitation of the Bishop of Lincoln[3].

[1] Cooper, *Memorials*, I. 192; Hare MS. II. 139.

[2] Rot. Pat. 35 Hen. VI. p. 2. m. 14 Hare MS. II. f. 141 *b*; Cooper, *Annals*, I. p. 207. In 1454 the University had refused to admit King's men to degrees without their renouncing all privileges as well as swearing obedience to the Chancellor 'simpliciter.' See Baker MS. at Camb. vol. 25. pp. 447–8. Mr. Mullinger (*Cambridge*, I. p. 311) appears to me mistaken in tracing the exemption of King's men from the necessity of supplicating for degrees to this somewhat equivocal 'victory.' There is no more trace of this 'privilege' at King's than at New College till a much later period. See above, p. 507.

[3] Among its exceptional privileges were the power to create a Notary Public, and licence to the Provost or a Fellow named by him to hear the confessions of all comers. *Camb. Ant. Soc. Communications*, III. p. 49.

QUEENS' COLLEGE (1448).

The History of Queens' College by W. G. SEARLE (*Camb. Antiq. Soc.* 8°. *Publications*, Nos. IX and XIII, 1867 and 1871) is the most careful and complete history of a Cambridge College which has yet been written. I have been allowed, by the kindness of the Rev. J. H. Gray, to see a copy of the original Statutes. The binding attributes them to Henry VIII and the year 1529, but this is hardly borne out by their contents. They purport to emanate from Elizabeth Woodville, and the educational provisions can hardly be as late as 1529. They may have been very slightly altered in that year.

In 1446 Henry VI issued a Charter founding a College of S. Bernard for a President and four Fellows[1]. It was re-founded on another site—that of the present Queens' College—in the following year[2], while in 1448 its Charter was again cancelled, and a new one issued by Queen Margaret of Anjou, who had petitioned her husband to be allowed to become Foundress and Patroness of the College[3]. The College now bore the style of the Queen's College of S. Margaret and S. Bernard, but in 1475 was again re-founded by another Queen, Elizabeth Woodville, once maid-of-honour to the fallen Margaret, and now Consort of Edward IV, who aspired to the position of Patroness and Co-foundress of the Society, henceforth known as the Queens' College[4]. It appears, however, very doubtful whether these Royal personages gave the College much except patronage—a patronage which (as has been observed) it was at this time the deliberate policy of the Court and its ecclesiastical advisers to extend to Cambridge rather than to the heresy-stained Oxford. The endowments of this College were gradually provided by a number of obscurer persons. The donor of the original site of S. Bernard's—Richard Andrew, burgess of Cambridge—has the best right to the title of Founder, and the gradual enlargement of the very scanty foundation was primarily due to the energy of the first Master, Andrew Doket.

[1] Rot. Chart. 25 and 26 Hen. VI. n. 37; Searle, pp. 3, 4.
[2] Searle, p. 8.
[3] *Ib.* p. 15.
[4] *Ib.* p. 71.

CHAP. XII. § 9.

The earliest extant Statutes appear to be those of the second Foundress, Elizabeth Woodville, but slightly revised under the authority of Henry VIII in 1529[1]. By these Statutes the College was to consist of a President and eighteen Fellows (of whom fourteen were to be in Priest's orders) with four poor scholars, two President's servants, and two cooks[2]. Fellows were to be at least 'Questionists' in Arts at the time of election[3]. All the Fellows (after Regency in Arts) were to study Theology, except two, who were to apply themselves to Civil Law and Medicine respectively[4]. Not more than two Fellows were to be elected from any one diocese (except the diocese of Lincoln, from which there might be three), or more than one from the same county. Provisions of this kind—found in many of the later medieval Colleges—were made (as the Queens' Statutes say) to 'extirpate all partiality of countries' in elections. This is worth noticing as showing that the design of founders was not to restrict, but to extend, the sphere of their liberality. though in practice these restrictions, once really necessary to avoid partiality, have operated in a precisely contrary direction. Certain visitatorial powers—that is to say the deposition of the President—were entrusted to the Vice-Chancellor and one other Doctor or Head of a College.

[1] See the Bibliography.

[2] 'In hoc eodem collegio alantur quatuor scholares indigentes duo seruitores Presidentis et duo coci.' The functions of the Dean are limited to the chapel and its services. There were to be two Censors, who were to preside over disputations and to lecture themselves, one on Logic, the other on Rhetoric. A lecture on 'Rhetoric or Cosmography' was to be given on festivals. One of them was also to give a daily lecture on the Bible or Sentences in the chapel. This last lecture appears to have been founded by some special benefaction. If no one was willing to give it for so small a stipend, he might preach English sermons instead.

[3] The term 'Questionist' is still used for a fourth-year man.

[4] Notice the absence of Canon Law. This, together with provisions for Bible Lectures in College and divers English sermons to be preached by the Fellows, is a remarkable indication of a reforming spirit, if really belonging to the end of the fifteenth century. They may, of course, be due to Henry VIII.

S. CATHARINE'S (1475).

The Charters and original Statutes (which are very short) are printed in *Documents*, III. p. 75 *sq.*; also with an account of the foundation by the Founder, and other documents, in *Documents relating to S. Catharine's College in the University of Cambridge*, by [Bishop] PHILPOTT, Cambridge, 1861.

S. Catharine's Hall was founded by Robert Woodlark, Provost of King's[1]. From whatever source the Provost's income was derived, the fact that the Head of one College should have been in a position to found another is an interesting indication of the growing importance of College-headships and (since Woodlark had begun life as a Fellow of King's) supplies another refutation of the mistaken idea that Colleges were designed exclusively to supply a meagre subsistence to penniless students. The College originally consisted of a Master and three Fellows. All were eventually to study Theology, and were to be at least Bachelors of Arts in minor orders at the time of election[2]. The College was actually erected, and the Fellows 'entered upon commons' in the year 1473, but the Royal Charter was not issued till 1475. In the Founder's Statute occurs the provision that no two persons should be elected from the same county.

JESUS (1497).

SHERMANNUS, *Historia Collegii Jesu Cantabrigiensis*, ed. Halliwell, Londini, 1840.

A great deal of the property of English Colleges is derived in one way or another from monastic sources. Whatever may be thought of the way by which, in other instances, monastic property was diverted to educational

[1] There is an account of his life by Archdeacon Hardwick in *Camb. Ant. Soc. Commun.* vol. I. (1859), p. 329.

[2] 'In ordine sacerdotii vel infra sacros ordines ad omnes minores constituti' (printed by Bp. Philpott 'ad omne minus!'). The Charter speaks of three Fellows; Woodlark himself speaks of it as 'fundata super uno magistro et *decem* sociis' (Philpott, p. 6).

CHAP. XII, § 9. purposes, it will be difficult to construct an apology for the nuns of S. Rhadegund's, one of the earliest of Cambridge Religious Houses. We are told that the Nunnery had become corrupt and dissolute 'by occasion of its neighbourhood to the University'—a moral degradation which had apparently carried with it the pecuniary ruin of the House, in which by this time but two sisters survived[1]. In 1497, John Alcock, Bishop of Ely, the Patron of the Convent in right of his See, procured the dissolution of the House by Royal letters patent. If we may trust the extant Statutes, the College was intended primarily for 'the study of Grammar, Rhetoric, Logic, Mathematics, and Philosophy'—an enumeration which (whether due to the original founder or to his sixteenth-century successor) reminds us that we have now arrived at the period of the New Learning, and that with Jesus our enumeration of Cambridge Colleges must cease.

[1] 'Redditus possessiones edificia necnon res bona jocalia et alia ornamenta ecclesiastica eidem domui sive prioratui pie et caritative antiquitus data et collata per negligenciam atque improvidam et dissolutam disposicionem et incontinenciam occasione vicinitatis universitati Cantebrigiensi . . in tantum dilapidata . . existunt' etc. (*Documents*, III. p. 91). This impeachment of the nuns is supported by a contemporary Cantabrigian, John Major, *Hist. mai. Brit.* (1521) f. viii. The timely suppression of the Nunnery has saved the beautiful Norman Church which still forms the College Chapel.

CHAPTER XIII.

THE NUMBERS IN THE MEDIEVAL UNIVERSITIES.

CHAPTER XIII.

THE NUMBERS IN THE MEDIEVAL UNIVERSITIES.

IT has seemed advisable to bring together in a single chapter such information as we possess with respect to the numbers of the medieval Universities at different times. Exact data on the subject only appear at a comparatively late period. The great northern Universities kept no official records of students' names. At Bologna they are not preserved. Actual Matriculation-books are only available for the latter half of our period and for some of the smaller Universities. As to the population of the great parent Universities at the most flourishing period of their history we possess only a few *obiter dicta* of medieval writers. It will be well first to collect the most famous of these statements and then to institute a critical inquiry as to their value.

Odofredus.

The Jurist Odofredus, writing in the middle of the thirteenth century, tells us that at the end of the preceding century there had been 10,000 students at Bologna[1].

Richard of Armagh, Wycliffe, and Gascoigne.

At Oxford we have the still more celebrated statement by Richard FitzRalph, Archbishop of Armagh, that there had once been 30,000 students there, though he admits that in his own time they had fallen to less than 6000[2]. Some twenty years later Wycliffe declares that there had once been 60,000 scholars, while now there were less than 3000[3]. Gascoigne again tells us that he had ascertained from the 'rolls of the ancient Chancellors' that before the great plague there had been 30,000 students in Oxford[4]. No such 'rolls' now exist, and it is likely enough that what Gascoigne saw was simply a transcript of FitzRalph's plea on behalf of the

[1] See above, vol. I. p. 182, n. 2.

[2] *Defensorium Curatorum*, in Browne, *Fasciculus rerum expetendarum et fugiendarum.*

[3] *De Ecclesia* (ed. Loserth, Wyclif sor., 1886) p. 374.

[4] *Loci e Libro Veritatum*, ed. Rogers, p. 200.

CH. XIII.

scholars at 1500. We thus get 1500 as the lowest, 3000 as the highest estimate of the student-population of Oxford. There may well have been a slight increase between 1315 and the Black Death of 1348: but we shall be safe in assuming that the numbers could at no time have exceeded 3000, and were probably always much below it.

Graduation at Paris.

It will now be well to turn to Paris. It is not till the end of the fourteenth or the beginning of the fifteenth century that we get actual records of the number of graduations at Paris or elsewhere. The register of the English Nation, indeed, dates from 1333, but that by itself will hardly help us to an estimate of the total numbers. In the fifteenth century we have the registers of the other Nations. If we confine ourselves to the Nation of France[1], we find that in the year 1450 there were conferred 156 Bachelor's Degrees and 111 Licences. The numbers fluctuate to a surprising extent; in the year last mentioned they are exceptionally high. The year 1447 with 135 Bachelors and 81 Licences is a more normal one.

Total numbers at Paris.

If we assume that four years was the average time of residence before Licence, 80 Licences will represent 320 students who will eventually obtain the Licence. From a comparison between the numbers of Determinations and of Matriculations at Leipsic, Paulsen estimates that between one-fourth and one-third only of those who matriculated ever took the Bachelor's degree[2]. But at many of the German Universities a number of mere schoolboys and graduates of other Universities resident in the town were placed upon the Matricula[3]. At Paris, considering the number of students who came from other Universities, it is not improbable that at least half the students who matriculated in Arts must have eventually become Bachelors. 135 Bachelor's Degrees will represent

[1] Register in the Archives at the Sorbonne.

[2] Sybel's *Historische Zeitschrift*, T. 45. p. 293 *sq.* Only $\frac{1}{10}$ to $\frac{1}{12}$ proceeded to the licence.

[3] Grammar students are excluded from the following computation. If they are to be included we must add at least another 1000, perhaps 2000.

about 270 Matriculations in one year. Of these 270, 80 will proceed to the M.A. For the remaining 190 three years will be a high average of residence. Thus we get 570 students who will not proceed to M.A. to be added to the 320 who will take that degree. That is to say, we get about 890 as the number of students in the French Nation at one time. We may compute the proportion of French students to those of other Nations from the fact that candidates were usually sent to be licensed in batches of eight, each of which contained three Frenchmen, two Normans, two Picards, and one Englishman or German [1]. If we assume that students from a distance would be rather more likely to complete their course than those from the country round Paris, it will perhaps be enough to double the number of French students to give us the whole number of students in Arts at one time. That number will be some 1700 students: 1000 will be an outside number to add for the Masters and the students of the superior Faculties residing longer than the period allowed above for graduation in Arts. This calculation will give us something over 2500 students for the total membership of the University at this period [2]. A slightly higher estimate is suggested by a recently published list of those who paid the *bursa*, a tax imposed by the University on all its members in 1464 [3]. The names of about 2300 students are actually recorded; but the MS. is imperfect, and it is calculated that the whole list originally contained some 3000 names. To these a small number ought possibly to be added for poor students who may have been excused payment, and for the non-graduate Religious students, who were not technically members of the University, and would therefore not appear in these lists.

[1] Bulæus, IV. 112; *Chartul.* T. II. No. 1012. Sometimes the proportion could only be kept by sending up members of other Nations as *Anglisati*, &c.

[2] This calculation was made before the facts mentioned in the next sentences became known to me.

[3] The document is published by Dr. Max Spirgatis, *Personalverzeichniss der Pariser Universität von 1464*, Leipzig, 1888 (*Beihefte zum Centralblatt für Bibliothekswesen*, No. I).

CH. XIII.

Paris in thirteenth century.

There can then be little doubt that the academic population of Paris in the fifteenth century could not have ever exceeded some 3500, if we include the students of the Religious Houses. The question now arises, 'Is there any reason to believe that at an earlier date the numbers were larger?' When we remember the numerous Universities which sprang into being in the course of the fourteenth and fifteenth centuries, it is highly probable that at the end of the thirteenth and beginning of the fourteenth centuries the academic population of Paris may have been considerably in excess of 3500[1]. It is useless to conjecture the amount of this excess, but it will be quite safe to assume that the students of Paris can never at any time have exceeded 6000 or 7000. A number not enormously short of this is suggested by the fact that in a single year towards the end of the thirteenth century (about 1284) at least 400 Licences were conferred in the Faculty of Arts[2]—a number far exceeding anything that we meet with in the period of extant Registers[3].

[1] As early as 1316 we find the complaint 'nimium est illa scolarium multitudo contracta et Parisiense studium incredibiliter diminutum' (*Chartul.* T. II. No. 729). Of course, allowance must be made for the medieval belief in a Golden Age.

[2] At S. Geneviève alone. *Chartul.* T. I. pt. i. No. 515. But as the Faculty was at feud with the Chancellor of Notre Dame, it is not likely there were many candidates at the 'inferius examen.' From the same document we learn that there were about 120 Regents. The statement that 4000 clerks (not necessarily all students) were present at the purgation of William of S. Amour, deserves to be noticed. *Ib.* No. 256. High numbers are also suggested by the Statute of 1288, forbidding the Examiners of Determinants to examine more than forty-eight in one month. Bulæus, III. 484; *Chartul.* T. II. No. 544. Another valuable source of information is supplied by the rolls of supplicants for benefices presented from time to time to the Holy See. In 1349, for instance, the roll contains the names of 502 Masters of Arts, together with 32 Masters of Theology, 17 of Decrees, and 46 of Medicine—597 Masters in all (*Chartul.* T. II. Nos. 1162-1165). Unfortunately we do not know what was the maximum standing of these Masters. Hence it is impossible to determine with any certainty what number of resident students they represent.

[3] 'D'après des calculs précis, c'est à près de cinq mille qu'on peut évaluer, vers 1350, le nombre des maîtres et des écoliers—six cents maîtres et quatre mille écoliers—mais vraisemblablement, dans la première moitié du XIIIe siècle, il ne

Oxford in fifteenth century.

For the fifteenth century at Oxford we get two sources of information: (1) Lists of Determinations and Inceptions; (2) Lists of Halls. The usual number of Determinations in the earlier part of the century was about 40, of Inceptions about 20. Allowing that a third proceed to B.A., we shall get 120 matriculations in the year. The period of residence required for Determination seems, however, to have been practically a good deal longer than at Paris during the same period. Allowing six years for the sixth who incept, four for a sixth who only determine, and three for the rest, we shall get 520 students. If we add 300 for the students in religious houses, the Masters, and the students of the Superior Faculties residing longer than the time required for graduation in Arts, we shall get 820 for the total numbers. The number of Halls existing in 1438 suggests a slightly higher figure. There were at this time seventy-one Halls or students' houses in Oxford [1]. Considering that every house occupied by a single rich scholar and his family would appear in this list, ten will perhaps be a sufficiently high figure to take for their average population [2]. This would give us some 700 students, to which we may add perhaps 300 for the monastic and collegiate scholars [3]. We shall thus get 1000 as the probable number of Masters and scholars. In this very year 1438 the University presented a petition to Parliament in which they declare that of the 'many thousands of students who are reported to have existed in a former

dépassait pas huit à neuf cents' (Gréard, *Nos adieux à la vieille Sorbonne*, p. 14). The first part of this statement agrees fairly with my own estimate (if the Grammarians are excluded): for the thirteenth century I should suggest a much higher figure.

[1] *Mun. Acad.* p. 519 *sq.*

[2] The Statutes of Ingolstadt restrict the number in each Hall to eight or ten, with two poor students as servitors. Prantl, II. 74. But at Rostock there might be thirty or, if there were two Regents, forty. Westphalen, *Mon. ined. rer. Germ.* IV. c. 1027. The Oxford University Register for 1544 (f. 17 b) shows that Hart Hall paid an increased rent if its numbers amounted to thirty. But it is probable that Hart Hall was now larger than the average medieval Hall.

[3] Allowing for a small number of 'Fellow-commoners' or 'Commoners.' There is no reason to believe that the system prevailed to any great extent at this date.

CH. XIII. age, hardly one thousand remained [1].' We shall be allowing its maximum weight to such rhetoric if we take it as evidence of some considerable diminution in the numbers of Oxford. The growing popularity of Cambridge would by itself make this probable. But when we have given its utmost weight to this consideration, these fifteenth-century data will be sufficient to make us feel that in giving 3000 as a maximum for the fourteenth century, we were probably allowing a very handsome margin. The conclusions to which we have come in regard to the more famous Paris, which drew its students from an immensely wider area than Oxford, are another reason for reducing this figure.

German Universities.

It has already been intimated that with regard to the German Universities of the late fourteenth and fifteenth centuries, we have data for a tolerably accurate estimate of numbers. Paulsen arrives at the following results for certain selected periods at which the best information happens to be available. If anything, his estimates are probably too low. On the other hand it must be remembered that they must often include every sort of student down to the merest Grammar-boy:—

Prague 1027 (1380–1389).
Vienna 933 (second half of sixteenth century).
Leipsic 662 (in 1472).
Heidelberg 285 (1386–1550).
Erfurt 506 (to *c.* 1450).
Cologne 852 (1450–1479).
Rostock 350–466.
Greifswald 103 (1465–1478).
Freiburg 143 (1460–1500).
Bâle 280 (1460–1480).

[1] 'Pauci aut nulli ad uniuersitatem accedendi habent voluntatem; unde fit quod aule atque hospicia obserata vel verius diruta sunt; ianue atque hostia scholarum et studiorum clausa et de tot milibus studencium que fama est istuc in priori etate fuisse non (MS. nam) iam unum supersit: at illi qui sane supersunt tedium quam maximum vite habent quod nullum fructum, nullum denique honorem post tantum studii sudorem consecuti fuerint' (From MS. Letter-book F. f. 46 a: printed in Peshall, p. 142).

Bâle 177 (1480–1500).
Tübingen 233 (1477–1527).
Ingolstadt 220 (Foundation . . . –1493)[1].

Results.

The results of this investigation may be thus summarized :—

(1) It is improbable that the numbers of either Bologna or Paris can ever have exceeded some 6000 or 7000. At Paris at least it is pretty certain that this limit was approached during its period of highest repute—say, the beginning of the fourteenth century. (If all the Grammar-boys of the City were added, we should possibly have to add some 2000 more.) About the middle of the fifteenth century, however, the number at that University was probably nearer 3000. In Italy the growth of new Universities was so rapid and extensive and the decline in the reputation of Bologna so serious, that neither Bologna nor any one of its rivals can ever have approached the numbers of Paris after an early period of the thirteenth century.

(2) The maximum number at Oxford was something between 1500 and 3000[2]. By about 1438 the numbers had fallen to under 1000.

(3) The numbers of Prague before the German migration in 1409 may have been 3000 or more: Vienna and Leipsic may at one time have had 1000 or 2000[3]. The numbers of the other German Universities during the fifteenth century varied between 100 and 1000, including Grammarians.

(4) We may add that the population of other minor Universities in France and elsewhere, wherever ascertain-

[1] Paulsen, *l. c.* p. 296 *sq.*

[2] These calculations were completed before I noticed that Prof. Thorold Rogers describes the 30,000 as 'ten times more than the possible truth' (*Six Centuries of Work and Wages*, 1884, p. 167), while more recently he says, 'it is probable that the Colleges, Halls, and monastic institutions contained at least 1500 inmates' in 1380-1. *Oxford City Docs.* Oxford Hist. Soc. 1891, p. 7. I am glad to find my estimate on the whole confirmed by a writer who knew medieval life so well. The civic population he estimates from the returns to the poll-tax as between 3000 and 4000.

[3] We have already seen reasons for doubting the enormous numbers ascribed to the migration (above, p. 226).

able, is always numbered by hundreds and not by thousands: at Toulouse alone there may have been as many as 2000 [1].

At the same time the relatively high and well-ascertained numbers of these and other less famous Studia, at a time when Universities were many, go to confirm the probability that when Paris was the sole or principal place of higher education for a large part of Europe its numbers cannot have fallen *very* far short of 6000 or 7000. This line of argument becomes particularly convincing when we compare Paris with Oxford. Oxford was recruited mainly, if not almost entirely, from the British Islands, and there was another, though considerably less populous, English University within a hundred miles of it. If we compare the population or the number of benefices and other posts to be filled by University men in England with the population or benefices in the enormously larger and more populous area from which Paris drew her students, it is probable that if there were ever anything like 3000 students at Oxford, that figure must be, at the very least, doubled to represent the population of Paris at the height of its fame.

Many converging lines of evidence thus lead us to much the same result. We can say with absolute confidence that there can never have been 10,000 students at Paris: there may possibly have been 7000 without the Grammarians; there must have been something like 5000, a limit which cannot well have been reached by any other University except perhaps Bologna in the course of the thirteenth century [2].

[1] See above, p. 168.

[2] I add two pieces of testimony as to Paris from the new volume of the *Chartularium* (T. III. pp. xvi, xvii): (1) The roll of 1403 contains more than 790 Masters of Arts, all ostensibly present, (2) Rabbanus Çauma, a Nestorian monk in 1287 puts the students at the favourite 30,000.

CHAPTER XIV.

STUDENT LIFE IN THE MIDDLE AGES.

CHAPTER XIV.

STUDENT LIFE IN THE MIDDLE AGES.

I PROPOSE in this Chapter to discuss a number of miscellaneous matters connected with the daily life of the medieval student which have not hitherto been dealt with. I shall confine myself for the most part to the Universities of the northern type. In the life of the Italian law-student, living in his own way in his own hired house, there was no doubt much less that was distinctive and characteristic as compared with the life of the churchman or citizen of the surrounding world: and at all events the materials for the illustration of his life and habits are far less abundant than those which are available for the student-life of Paris, Oxford, and the German Universities.

Modern associations misleading.

If we want to realize what manner of man or boy the medieval student actually was, we shall have completely to lay aside most of the associations derived from modern Universities, Colleges and Schools of every description, whether in our own country or on the Continent. When we are told that the medieval student was younger than the modern Undergraduate, we are apt to liken him to the modern schoolboy. When we are told that he was regarded as a clerk, we are tempted to compare him with the modern seminarist. When we are told that some students begged, we are in danger of supposing that the medieval student was usually a pauper sprung from the lowest social grade. To remove these and similar misconceptions will be the object of this concluding chapter. If the reproduction of the medieval student-life is a task which strains to the uttermost all our powers of historical imagination, it is one which will richly repay the effort that it demands. He who

CH. XIV. understands the life of a medieval University will have taken no unimportant step towards understanding the medieval Church and the medieval world. In speaking of historical imagination, however, it may be desirable to add that it is the reader's own imagination upon which the strain will fall. The present writer has neither the power nor the inclination to emulate the brilliant, if sometimes misleading, pictures which have been painted by several great writers on medieval University life. His aim will be to bring together facts and to allow the reader to paint his picture for himself[1].

Previous Education of the Medieval Student.

Knowledge required on Entrance.

The first question which it seems necessary to ask relates to the equipment with which the average student entered upon his University course. And that question is easily answered. The lectures were given in Latin. Before the student could profitably attend University lectures, he must have learned to read, write, and understand such Latin as was used in the Schools. Latin, it must be remembered, was not merely the language of the Lecture-room, but theoretically at least of ordinary student-life. The freshman must have been able to talk some Latin as well as to understand it. It is of course difficult to say to what extent the practice of the average student corresponded with the theory. There was no such thing as an entrance Examination, except in the Colleges; and the want of proper grounding in the Latin language constituted one of the most glaring defects of the medieval system. Still, in the first half of our period, when the Universities were cosmopolitan, conversational Latin must have been almost a necessity of life to the University student. Even students from different provinces of the same country could hardly have understood each other without

[1] It will, however, occasionally be necessary in the following chapter to make generalizations, the full evidence for which cannot be exhibited in the notes.

its aid[1]: and in the later period we find Latin-speaking in College and Hall strictly enforced by Statute. A Statute of Paris makes the ability of a petitioner to state his case before the Rector in Latin, without any 'interposition of French words,' a test of his *bona fide* studentship[2]. The certificate of 'scholarity' was to be refused if the applicant's Latinity proved unequal to the strain. So the founder of a Chantry[3] which included provision for two scholars provides that one of them was to be sent to the University when he could 'read, sing, and construe well and compose twenty-four verses on one subject in one day.' These two illustrations will perhaps supply us with a sufficient idea of the attainments of the average student upon entering the University proper as a student in Arts. At the same time it is probable that there was a residuum of men who understood even less of the lectures which they attended, or were supposed to attend, than an ignorant monk or 'hedge-priest' did of the Psalter which he daily muttered. We have already seen that large numbers of students—probably a majority—never proceeded even to the lowest degree; there was no compulsion (except in the Colleges) to enter for any Examinations whatever, and numbers must have left the University knowing little more than when they entered it. CH. XIV.

While we are upon the subject of medieval Latin, it may be well to remove some popular misconceptions. Among the students of a University and among the clergy generally (in so far as they spoke Latin at all) much villainous Latin was no doubt talked, just as much villainous French is or was encouraged by the rule of French-speaking in Medieval Latin.

[1] Englishmen then pronounced Latin in the continental way. See the testimony of Dr. Caius, in whose lifetime the melancholy change took place. *Hist. Cantab.* p. 124.

[2] Bulæus, IV. p. 218; *Chartul.* T. II. No. 881.

[3] This Chantry or College, consisting of a Chaplain and two Scholars, was founded in the Church of S. Bredgar (dio. Canterbury). For admission to the College itself, the boys must 'competenter legere et cantare,' and be not less than seven years of age. *Lit. Cantuar.* ed. Sheppard, III. p. 17. Elementary medieval education began with the Latin Psalter.

English 'Seminaries for Young Ladies.' But the Latin which was written by the Theologian or Historian, the Latin of the Secretary's letter or the episcopal ordinance, was not so bad as is commonly supposed by those who have only heard it abused. The period of gross ignorance, of wrong inflexions and barbarous constructions, had passed away long before the beginning of the University era. Both the excellences and the defects of thirteenth-century or fourteenth-century Latin were due to the fact that Latin was still a living language, though its use was confined to the clerical class. J. S. Mill has rightly praised the Schoolmen for their unrivalled capacity in the invention of technical terms. The Latin language, originally rigid, inflexible, poor in vocabulary and almost incapable of expressing a philosophical idea, became in the hands of medieval thinkers flexible, subtle, and elastic. And this enrichment of the language, which has had such immensely important effects upon the tongues of modern Europe, was carried on not only in the Schools by the Sophists and Theologians, but (no doubt with less wholly satisfactory results) in the epistles of the ecclesiastic and even in the conversation of the ordinary schoolboy, until Latin as a living language was killed by the Ciceronian pedantry of the sixteenth or seventeenth century. The barbarism which shocks the modern scholar in the pages of the average medieval scribe consists in the introduction of new words, of vernacular idioms and combinations, and above all of new forms or derivatives of good Latin words demanded by the exigencies of new ideas, rather than in the violation of the ordinary rules of Syntax or Accidence. There were of course different degrees of knowledge or ignorance even among the educated men of the Middle Ages. The average 'Artist' heartily despised the mere Grammarian or Schoolmaster: the niceties of Latin syntax were beneath his notice: punctilious accuracy in such matters seemed unworthy of a philosophic mind. Consequently he wrote worse Latin than the monastic historian who perhaps loved his Virgil better than his Angelical Doctor. But still the

average Oxford graduate could probably write Latin which was rarely adorned by the kind of blunders which the average modern passman will make in every third line. And the Latin of serious medieval books after the eleventh century is generally correct and its syntax free from most of the mistakes which are taken cognizance of at Responsions [1].

The Grammar Schools in University Towns.

In the Universities (as has been seen) Grammar formed one of the subjects of Examination for degrees in Arts: and students of that Faculty were still (in the earlier part of their course) required to attend Grammar lectures concurrently with the course of Logic and Philosophy [2]. There were, however, in every University town, as in other important places, Grammar Schools proper, intended for the elementary instruction of young boys and quite distinct from the Schools of the Faculty of Arts. In many cases, either by usurpation or special privilege, the University acquired jurisdiction over these Schools. This was the case in most German Universities. In others they remained under the ecclesiastical inspection to which they had been subject before the rise of the University corporations. Thus at Paris the Chanter of Notre Dame retained his control over the 'Petty Schools,' including all elementary or Grammar Schools in the City, whether boys' Schools kept by a Master or girls' Schools kept by a Mistress [3]. There was, of course, a special Cathedral Grammar School for the Choir-boys under his immediate supervision, but he also granted Licences to independent Masters or Mistresses (the former might or might not be University

[1] There are, of course, a few exceptions. The inferior writers do not distinguish between 'alter' and 'alius,' between 'ejus' and 'suus,' and though 'ut' takes a subjunctive, the niceties of that mood are not appreciated, &c. The use of 'unus' as an article, and of 'cum' in place of an instrumental ablative, is characteristic of the worst, and especially of the latest, medieval Latin.

[2] At least at Paris. There is some reason for thinking that Oxford Latin was worse than Parisian.

[3] Jourdain, Nos. 673, 738. A list of 42 Masters and 21 Mistresses licensed by the Chanter is given by Félibien, *Hist. de Paris*, III. p. 449. 'Mixed' Schools were not allowed without special dispensations. *Ib.* p. 447. Joli was Chanter of Paris, and wrote his *Écoles épiscopales* to defend the rights of the Chantership. Cf. *Chartul.* T. III. Nos. 1237, 1713.

CH. XIV.

graduates), and made rules for the conduct of the Schools, just as the Chancellor had done in early days for the Schools of Theology and Arts. At Cambridge the Grammar Schools were under the immediate control of an official who has caused great perplexity to the antiquaries of that University—the 'Magister Glomeriæ' who was appointed by and responsible to the Archdeacon of Ely[1].

Grammar Schools at Oxford.

At Oxford also it is probable that the Archdeacon had originally, as part of his general ecclesiastical jurisdiction, a control over the Grammar Schools[2]; but here the Chancellor of the University was too powerful for him to retain it. At the beginning of the fourteenth century we find the University legislating for the Grammar Schools, and appointing two Masters from among its own graduates to superintend them. These 'Superintendent Masters' were remunerated by a tax levied upon the earnings of the inferior class of ordinary Grammar Masters. Medieval scepticism brought even Grammar into the region of debateable matter: and the Masters of Grammar were required to attend disputations in their Faculty every Friday and periodically to observe a 'convenite,' i. e. a kind of primitive Head Masters' conference held twice a Term, to discuss matters of professional interest[3]. Their pupils were brought within the privilege of the University by being nominally enrolled in the Matricula of a Master of Arts if

[1] See Peacock, *Observations on the Statutes*, App. A, and above, p. 555.

[2] I infer this from the fact that the first dated Statute for the Grammar Schools (1306 A.D.) was passed 'In præsentia venerabilium virorum Domini Archidiaconi Oxoniæ sacræ theologiæ professoris ... scilicet Magistri Gilberti de Segrave, et Magistri Gilberti de Mideltona, tunc officialis Domini Episcopi Lincolniensis' (*Mun. Acad.* pp. 85, 86).

[3] *Mun. Acad.* pp. 85–87, 437–443. An endowment was left for the payment of the Superintendents in 1321. Doc. printed by Little in *Eng. Hist. Review*, VI. 1891, p. 153. This office was afterwards amalgamated with that of the 'Magistri Scolarum Augustiniensium,' and the salary transferred to them. *Mun. Acad.* p. 363. These were the Masters who presided over the Disputations of Bachelors at the Austin Convent (see above, p. 555). As misunderstandings have arisen on the subject, it should be mentioned that the Austin Friars never had anything to do with these disputations beyond lending their schools. For 'convenites' among the London Masters of Grammar, see Appendix XVIII.

their own Master was a non-graduate[1]. Otherwise they were not what we should describe as members of the University. The Masters had no seat in Convocation: the boys were not keeping terms in any of the recognized Faculties of the University. The only difference between the position of their Schools and that of Grammar Schools elsewhere was that their Masters were licensed by the University authorities instead of by some ecclesiastical dignitary. Sooner or later, however, it would appear that the process of admitting the Masters was assimilated to that attending admission to the regular degrees of the University. In the fifteenth century we hear of regular Examinations for the degree. In the sixteenth century there was a Bachelor's degree as well as a Master's: and solemn Inceptions took place at which the Master received as a symbol of his office, not a book like Masters of the other Faculties, but two to him far more important academical instruments—a 'palmer' and a birch, and thereupon entered upon the discharge of the most fundamental and characteristic part of his official duties by flogging a boy 'openlye in the Scolys.' Having paid a groat to the Bedel for the birch and a similar sum to the boy 'for hys labour,' the Inceptor became a fully accredited Master in Grammar. When the Mastership of Grammar had become a kind of inferior degree of the University, it was sometimes sought for by Schoolmasters in other places as an honorary distinction. These men were not necessarily required to reside in the University. Schoolmasters of a certain standing were allowed (like Doctors of Music at the present day) to come up and take the degree after performing some exercise prescribed to them by the University. The exercise generally consisted in writing 100 verses in praise of the University. Had the ambition to take these degrees in Grammar been widely diffused, the demand for whipping-boys might have pressed rather hardly upon the youth of Oxford: but

CH. XIV.

Degrees in Grammar.

[1] *Mun. Acad.* p. 445. It is interesting to note that some of these boys were boarders in the Masters' houses (*commensales*). For Grammar Degrees at Vienna, cf. above, p. 241.

CH. XIV.

very few of them are mentioned in the University Register [1].

Grammar Schools outside Universities.

There is no reason to believe that boys came to attend these inferior Grammar Schools in the University towns except from the immediate neighbourhood. The majority of scholars must have learned reading, writing, and the rudiments of Grammar nearer home [2]. As to where and how this

[1] The documents do not enable us to trace the history of these Grammar degrees with the fulness which one would like. The term 'incipere' is used of a Grammar Master in undated Statutes (*Mun. Acad.* p. 443), which had passed out of use before the middle of the fourteenth century, and which may well be extremely ancient. The undated but much later Statutes in *Mun. Acad.*, pp. 436–442, regulate the examinations and speak of a Licence by the Chancellor. The account of the Inception ceremony is taken from Stokys' Book, the production of a sixteenth-century Bedel and Registrary of Cambridge. (Peacock, *Observations*, App. A.) An entry in the Oxford Register in 150$\frac{8}{9}$ shows that a similar custom was then in use at Oxford. A dispensation was granted in favour of a supplicant for the Mastership of Grammar, that 'traditio ferule cum virga sufficiat ad creandum unum magistrum grammatices, non obstante quocunque statuto in oppositum. Una conditio est quod componat 50 versus, alia est quod disputet die veneris proxima' (Boase, *Register*, I. p. 64). For other instances of Grammar degrees, cf. Boase, *ib.* p. 298. In some cases a degree 'in arte rethorica' appears to have been given, and in these cases the graduate 'insignitus est laurea' (*ib.* p. 299). The last degree in Grammar is in 1568. *Ib.* p. 269. Mr. Clark (*Register*, II. pt. i. p. 8) says, 'I have found no trace of a "Master" of Grammar.' He appears to have overlooked the above-cited instance given by Mr. Boase (*Register*, I. p. 64). The formula 'admissus ad docendum' or 'ad instituendum pueros in grammatica,' probably implies the Master's degree. At Cambridge Inception in Grammar is mentioned in 1407. Reg. Ely (Fordham) f. 204 *b*.

[2] 'I am convinced that they [i. e. Grammar Schools] were attached to every monastery, and that the extraordinary number of foundation schools established just after the Reformation of 1547 was not a new zeal for a new learning, but a fresh and very inadequate supply of that which had been so suddenly and disastrously extinguished' (Thorold Rogers, *Six Centuries of Work and Wages*, London, 1884, I. p. 165). This is strongly confirmed by the statement of the Speaker in 1562, who told the Queen 'that at least an hundred [Schools] were wanting in England which before this time had been' (Strype, *Annals of the Reformation*, Oxford, 1824, I. p. 437). For the large number of pre-Reformation Grammar Schools, see the list of thirty-six founded before 1509 given by Furnivall, *Education in Early England*, London, 1867, p. liii; and for further details as to their origin, Carlisle's *Endowed Grammar Schools in England and Wales*, London, 1818. Cf. also Edgar, *Early Scotch Education, passim*. As the mistake is often made, it may be added that the Grammar Schools connected with monasteries were secular Schools, taught by secular Masters, and quite distinct from the Schools of the monks.

knowledge was acquired, we have little detailed information. An investigation into the Grammar Schools of the Middle Ages would be a subject for a separate treatise. Suffice it to say that the old ecclesiastical Schools, in connexion with Cathedrals or other important Churches, were not destroyed by the growth of the Universities, and other Schools of the same kind were founded from time to time. Where the Universities were within easy reach, they were probably restricted for the most part to the study of Grammar, and sometimes the rudiments of Logic. In districts remote from Universities there were ecclesiastical Schools of a higher type, which certainly taught a full course of Logic as well as Grammar, and in some cases perhaps the whole range of a University Arts Course. In some countries the bulk of the inferior clergy must have received their education in such Schools. At Vienna, Erfurt, and elsewhere, Schools of this character became a nucleus for the later Universities.

Where there was no Cathedral, Grammar Schools were attached to some Collegiate Church or to ordinary Parish Churches. Sometimes there was an endowment for such Schools: elsewhere they were supported by the Municipality, or, in places like Canterbury or Bury, by the Monastery. In other cases, no doubt, they were taught by some poor 'parochial chaplain' in return for the scholars' fees alone. Even in country parishes the Canon Law[1] required that the parish clerk should be able to teach

Schools connected with Churches.

[1] 'Ut quisque Presbyter, qui plebem regit, clericum habeat, qui secum cantet, et epistolam et lectionem legat, et qui possit scholas tenere, et admonere suos parochianos, ut filios suos ad fidem discendam mittant ad Ecclesiam: quos ipse cum omni castitate erudiat' (Decret. Greg. IX, Lib. III. tit. i.). A gloss adds, '*scolas*: docendo pueros Psalterium et cantare' (Joli, p. 38a). The identity of the method pursued in these elementary schools with that in use in our day is illustrated by the following: 'Et post breve intervallum resumebant istud idem, et cantabant: pater, pater, pater; eo modo, quo pueri, qui instruuntur in scholis a magistris grammaticalibus, solent facere, cum per intervalla clamando repetunt quod dictum est a magistro' (Salimbene, *Chron.* pp. 116, 117). It is noticeable that even the Grammarians on the College foundations were required to know some Grammar on admission. Thus at the College de Boissi: 'nullus vero Grammaticorum recipiatur in

CH. XIV. the boys to read as well as to sing their Psalter. How far such regulations were actually carried out, it is of course impossible to determine with precision. But it may be stated with some confidence that at least in the later Middle Age the smallest towns and even the larger villages possessed Schools where a boy might learn to read and acquire the first rudiments of ecclesiastical Latin: while, except in very remote and thinly populated regions, he would never have had to go very far from home to find a regular Grammar School [1]. That the means of education in reading, writing, and the elements of Latin were far more widely diffused in medieval times than has sometimes been supposed is coming to be generally recognized by students of medieval life. The knowledge of reading and writing and of the elements of Latin was by no means confined to the clergy: 'the bailiff of every

dicta domo nisi Donatum et Catonem [i. e. Dionysius Cato, see above, vol. I. p. 72] dedicerit' (Bulæus, IV. pp. 354, 355). Richard de Bury says that in his book hunting enquiries he did not neglect 'rectores scholarum ruralium puerorumque rudium pædagogos' (*Philobiblon*, ed. Thomas, p. 79).

[1] E. g. we hear of Schools 'grammaticæ et logicæ' attached to a parish Church at Angers, the 'collation' of the Mastership belonging to the Dean of S. Peter's. Rangeard, II. p. 187. This may be taken as a specimen of the higher class of Church School. The distinction between the higher and lower class of Grammar School is well described in a decree of the Papal Legate Guido, who in 1267, on the petition of the Dean and Chapter of Breslau, appoints 'ut infra muros ciuitatis Vratislauiensis iuxta ecclesiam sancte Marie Magdalene scole fiant, in quibus pueri paruuli doceantur et discant alphabetum cum oracione dominica et salutacionem beate Marie virginis cum symbolo psalterio et septem psalmis, discant eciam ibidem cantum, ut in ecclesiis ad honorem dei legere valeant et cantare. Audiant etiam in eisdem scolis Donatum, Cathonem et Theodulum [a poet of the ninth century, author of *Ecloga, qua comparantur miracula V. T. cum veterum poetarum commentis*] ac regulas pueriles. Qui predicti pueri si maiores libros audire voluerint ad scolas sancti Johannis in castro Vratislauiensi se transferant, uel quocunque voluerint.' The reason alleged for the change is the inconvenience previously experienced through the 'parvuli' having to be sent to schools (? supported by monasteries) outside the walls. The Scolasticus of the Cathedral is to have the appointment of the Rector of the new School. *Breslauer Urkundenbuch*, ed. Korn, Breslau, 1870, p. 35. As to the smaller Grammar Schools of Paris, cf. Joli, p. 390.

manor kept his accounts in Latin[1].' A Grammar Master often formed part of the establishment of a great noble or prelate[2], who had pages of gentle family residing in his house for education. In other cases a boy of a well-to-do family no doubt received his earliest education from a chaplain or 'clerk' of his father, or from a private tutor or neighbouring Priest engaged for the purpose. CH. XIV.

Method of teaching.

In the Grammar School the rudiments of a classical education were imparted in much the same way as at the present day. Donatus and Alexander de Villa Dei were the Grammars. After the Psalms had been learned (this much was taught in the most elementary Schools of all), Cato[3] served for Delectus, after which the boy might be put into Ovid and possibly Virgil. In the absence of dictionaries the Master no doubt literally 'read' the book to the pupils, i.e. construed it to them and afterwards required them to do the same. In England books were construed into French as well as English. Questions were asked in parsing and exercises set in prose and verse[4]. Disputations in Grammar—perhaps something after the fashion in which candidates for Queen's Scholarships at Westminster till lately 'challenged' each other with hard questions—were also a favourite institution. After the boy had once entered the University all this ceased. No more classical books were construed, and we hear comparatively little of composition, though verse-making sometimes entered into University Examinations. Lectures in Grammar meant formal lectures on the elaborate grammatical treatises of

[1] Stubbs, *Constitutional Hist.* II. p. 345.

[2] See Furnivall, *l. c.* p. xi *sq.*

[3] See above, vol. I. p. 72. At Perpignan 'Bacallarii legentes in lectorio minori legant auctores consuetos, videlicet: Cathonem, Contentum, et Thobiam [a Renaissance poet, pupil of Guarinus of Verona], et teneantur facere duo proverbia de mane et duo de vespere et reaudire lectiones lectas et probare nomina vel verba in proverbiis supradictis' (Fournier, *Statuts des Univ. franç.* II. No. 1485).

[4] 'Inter artes igitur quæ dicuntur
trivium,
fundatrix Grammatica vendicat
principium,
sub hac chorus militat metrice
scribentium'
(du Méril, *Poésies Pop. du moyen âge*, pp. 151, 152); *Mun. Acad.* pp. 437, 438.

CH. XIV. Priscian and Donatus, or the more popular Alexander de Villa Dei. But we have already endeavoured to show what and how a University scholar studied. Let us follow him to the University and see how he lived.

Life in the University.

Age on Entrance.

In the first place, it is natural to ask the age at which a boy usually went up to Paris and probably most other Universities. Twenty was the minimum age for the Mastership, and the full course in Arts lasted seven years. Thirteen might, therefore, be considered the normal minimum age for admission: but the Paris Statute, which requires the 'determining Bachelor' to be at least fourteen[1], distinctly implies that some went up much earlier than this. Many would naturally have been older. On the whole it appears that the age of admission varied much more considerably than is now the case: but as a rule the freshman would be between thirteen and sixteen[2].

Beneficed students.

Quite young boys might, indeed, be Canons or Rectors of Parish Churches: and in such cases entered as students in Arts like other boys of the same age. But ecclesiastics of all ages frequently obtained leave of absence to study in the Universities, and the older men naturally became students of Canon Law or Theology. Between the years 1372 and 1408 there appear, on the matriculation-book of the Faculty of Law at Prague, the names of one Bishop, one Abbot, 9 Archdeacons, 23 Provosts, 4 Deans, 209 Canons, 187 Rectors, 78 other secular clerks, and 25 regulars. So in the comparatively small University of Angers 138 beneficed persons (besides Canons of the Cathedral) obtained exemption from the Tenth in 1413[3]. In the Register of the German Nation at Bologna more than half of the students are beneficed, most of them dignitaries or Canons. Such men (whether graduates in Arts or not) were of

[1] *Chartul. Univ. Paris.* T. II. p. 673.

[2] At the Coll. de Laon, scholars before entering on the Arts course are to be 'ad minus puberes' (Jourdain, *Index*, p. 107).

[3] Fournier, I. No. 457.

course, at least when living in their own houses and not in Halls or other communities, only subject to much the same discipline as the University or the ecclesiastical authorities imposed upon Doctors and Masters: and many of them were among the most disorderly and troublesome of the academic population. In lecture the Statutes vainly prescribed that they should sit 'as quiet as girls'; and spiritual thunders had at times to be invoked to prevent them from 'shouting, playing, and interrupting[1].' In what follows we are contemplating chiefly the career of the ordinary Artist who usually entered the University at a more or less early age. CH. XIV.

State of Discipline in University Halls and Colleges.

Independence of boy-undergraduates.

When we have grasped the fact that the medieval student in Arts was usually much younger than the modern undergraduate, we are very apt to fall into the mistake of seeing in him merely the modern public-school boy, taught Aristotle instead of Cicero, and disputing sophisms instead of writing Latin verse. Such a view would, however, involve a complete misconception of his status. When we remember the youth of the medieval freshman, the unfettered liberty—not to say licence—which he originally enjoyed, is certainly one of the most astonishing facts about him. In some cases we do, indeed, hear of his being escorted from home by a 'fetcher,' 'caryer,' or 'brynger[2]'; but the roads were dangerous, and protection of some kind was necessary even for men, while travelling in a carrier's cart was of course cheaper than riding. The proclamations against bearing arms often contain exceptions in favour of students travelling to or from the University. On arrival at Oxford or Paris our student had full liberty (unless his parents had

[1] *Mon. Univ. Prag.* I pt. i. p. 13; Tomek, p. 35. Odofredus (Sarti, T. I. pt. i. p. 41) tells a story which illustrates the mode of ironical applause or dissent in vogue at Bologna: 'scholares pulsabant libros contra eum.'

[2] *Mun. Acad.* p. 346. Cf. above, p. 410.

CH. XIV.

made some provision for him, which would have been an impossibility for all but the rich) to choose the Master to whose lectures he would go, and the Hall or Hospicium to which he would attach himself.

Touting Masters.

While temporarily established at an Inn before finding permanent quarters for himself, he would very probably be visited by some touting Master or one of his students (who no doubt expected a commission on any business which he might introduce), anxious to secure the new-comer for his own Hall or lecture-room [1]. In the matter of lectures, indeed, a trial was respectfully solicited with all the accommodating obsequiousness of a modern tradesman. The pseudo-Boethius of the thirteenth century represents a scholar as advising freshmen not to commit themselves to a Regent before they had attended his lectures for three days experimentally [2]; and the Statutes of some Universities provide that fees shall not become payable till after the expiration of that or some longer interval. With regard to residence, indeed, it was in the earlier period not necessary or even customary for the student, however young,

Lectures attended on approbation.

[1] The first Parisian Statute against the practice was passed in 1290. Bulæus, III. p. 497; *Chartul.* T. II. No. 570. So in 1452: 'Item circa prædictos Pædagogos et domorum Principales magistros, statuimus et ordinamus, ne tanquam ambitioso aut quæstui turpiter inhiantes per mansiones et loca concurrant, aut Tabernas et Hospitia circumeant per se vel per alios, ad rogandos sibi Scholares.' At the same time migration was forbidden. Bulæus, V. p. 572. So at Orleans: 'Nec doctor scholarem aliquem visitabit, antequam scolas suas vel doctoris alterius sit ingressus,' unless a relation or intimate friend. Fournier, I. No. 116. And at Bâle: 'Nullos Magistros aut Scolares . . . debere per se aut alium directe vel indirecte allicere practicare vel attrahere Scolares advenientes vel qui de novo advenerint sue vie aut burse applicare, aut iisdem occurrere in ponte Reni aut quibusvis aliis locis' (Vischer, *Gesch. d. Un. Basel*, p. 153).

[2] Migne, T. 64, c. 1232. At Bologna the Artist Statutes provide 'quod quilibet scolaris possit experientiam facere de doctrina cuiuslibet doctoris et repetitoris spatio quindecim dierum,' without fee (*Stat.* p. 248). So Odofredus insists strongly upon the advisability of students exercising their private judgment upon the matter: 'Scolaris enim quemlibet debet audire et modum cujuslibet inspicere, et qui si [*leg.* sibi] plus placebit ille debet per eum eligi, et opinione propria non alterius, non prætio . . . vel præcibus doctoris vel alterius' (*Proem. ined. ad Dig. vet.* ap. Coppi, *Le Università Ital.* p. 257).

to live under the nominal supervision of a Master[1]; he might seek out his own lodgings in the town or join a party of students in hiring a Hall[2]. CH. XIV.

The Hospicia and their Principals.

In the Hall or Hospicium one of the party was, indeed, called the Principal and exercised a certain authority over the rest. But the Principal was merely the student who had made himself responsible for the rent. His authority must have been derived from the voluntary consent of his fellow students. The owner could, indeed, transfer the Hall to a new Principal upon the retirement of the existing tenant; but, since there was nothing to compel a student to remain in the Hall, the consent of the community was absolutely necessary to the appointment. And in practice it appears that, upon the occurrence of a vacancy, a new Principal was elected by the whole community just as the Head is elected by the Fellows of a College. At Oxford, even after the effective nomination to the Principalship had been secured by the Chancellor in the reign of Elizabeth[3], it was still considered necessary formally to

[1] The pseudo-Boethius advises the Scholar to see as much as he can of his Master 'mansionique ejus, si possit, se inserat cohabitando, ut sic castigatus non solum se remordeat, verum etiam si locus adfuerit ad eum confluat inquirendo' (Migne, T. 64, c. 1230).

[2] For instance, the scholar who murdered a woman at Oxford in 1209 was attacked 'in hospitio suo, quod cum tribus sociis suis clericis locaverat.' Roger de Wendover (ed. Hewlett, London, 1886), II. p. 51.

[3] In the Chancellorship of Leicester (Wood II. 232 *sq.*). The records of the election of the Principals of Hart Hall down to the appointment in 1710 of Richard Newton, the first Founder of Hertford College, state that the Principal was 'elected.' The later form is that the election was 'confirmed.' See below, Appendix XXVI. So by the earliest Statutes of Balliol (p. v) the Scholars are to elect and obey the Principal 'secundum statuta et consuetudines inter ipsos usitata et approbata.' We get another allusion to such Statutes made by the *Aulares* themselves in *Mun. Acad.* p. 470 (headed 'ex privilegiis Universitatis in tempore Edwardi primi concessis'), where the Chancellor is authorized to over-rule any Aularian Statute and make new ones, 'et istud privilegium concessum fuit Cancellario quod olim Principales aularum et Scholares fecerunt statuta derogantia officio et potestati Cancellarii.' So at Vienna: 'Singulæ conclusiones honeste et licite per Conventorem alicujus Bursæ conclusæ ex votis majoris partis Bursæ sortiantur effectus executionis, nullo contradicente' (Kink, I. Pt. i. p. 38). At Cracow we find the consent of students necessary to the pur-

CH. XIV. convoke the members of the Hall, graduate and undergraduate, and require them to elect the Chancellor's nominee. The form has been gone through within living memory. There are, indeed, distinct traces that at one time the government of the Hall was a democracy, the power of the Principal being limited to the enforcement of Statutes freely accepted by the community. It is likely enough that in practice the Principals in the Artists' Halls were usually Masters or at least Bachelors; but it was not till the fifteenth century that the Universities began to restrict the Principalship to Masters. We have already noticed that it was at about the same period that measures were taken both at Oxford and at Paris to suppress the class of martinets or chamberdekyns, and to compel all students to reside either in a College or in a Hall or Pædagogy presided over by a Master or at least a graduate[1]. The Statutes of the German Universities throw still further light upon what was probably the state of things at Paris and Oxford before the universal requirement of residence. They for the most part enforce residence in Hall or College on all students in Arts, with the exception of two classes—the sons of nobles or rich men who lived with a private tutor in houses of their own[2],

Gradual enforcement of residence.

chase of plate, furniture, table-linen, &c. (*Regestrum Bursæ Cracoviensis*, Budæ, 1821). By the Oxford Aularian Statutes, each Scholar was to have 'discos de propriis' (f. 6 *a*). Eventually such things came by custom to be the property of the Hall, and passed from one Principal to another. On all these matters, I know of no evidence as to Paris, but the system was probably much the same as at Oxford.

[1] It is evident, however, that the Statutes were long very imperfectly observed. In 1484 we hear, 'quod multi temeriter starent extra collegia et essent vagabundi errabundi et . . . starent cum quibusdam mulieribus in domibus earum et quedam mulieres tenerent pedagogia et collegia quedam' (*MS. Reg. Nat. Angl.* No. 10, f. 35 *b*, Archives at the Sorbonne).

[2] Cf. a decree of the University of Vienna: 'Anno 1401, 29 Maii in congregatione Universitatis declaratum fuit, quod ille teneret statum nobilium, qui tenet unum Magistrum in expensis et ad minus duos famulos' (Kink, *Gesch. d. Un. Wien*, I. Pt. i. p. 117). So at Cologne (A.D. 1457), students are required to reside in Masters' *Bursæ*, except poor students or 'nobilibus aut personis egregiis cum honesta familia ad studium missis; quos suorum regentium relinquimus arbitrio' (Bianco,

and the poorest students who could not afford the cost of residence in a Pædagogy With the great mass of students of moderate means residence in a Hall was already the established rule long before it was actually enforced by University Statute.

State of discipline.

But even when the medieval undergraduate was fairly imprisoned in his Hall or Pædagogy, it must not be supposed that he was forthwith subjected to the discipline of the modern schoolboy. On this subject, indeed, there seems to be an almost universal misconception. It is known that there was a time when undergraduates in Universities were birched; and it is a somewhat natural assumption that the further we go back, the more Spartan will the discipline be found. Such a supposition is, however, wholly opposed to all the evidence within our reach. As to University discipline, as we should understand it, there was in the thirteenth century really no such thing. For offences against the ordinary civil or ecclesiastical law, the undergraduate was of course subject to imprisonment or excommunication like other clerks. Offences against the Statutes of the University were punished in the earliest period chiefly by excommunication, and later on chiefly by fines: but the earlier University Statutes hardly attempted to interfere with the private life of students, except with the view of preventing actual outrage or breach of the peace, and perhaps of enforcing clericality of dress. It is only in reference to the Grammar School that we meet with any allusion to flogging; it is the Grammar-master who was presented with the birch as the symbol of his office. Among the personifications

Corporal punishment.

Gesch. d. Un. Kol., Anl. p. 76). At Leipsic, again, in 1441, we find a Licence to reside 'extra bursas communes' (*Urkundenbuch*, ed. Stübel, p. 39. Cf. *Statutenbüch. d. Un. Leipsic*, p. 57, A. D. 1432). Cf. Kosegarten, *Greifswald*, II. p. 308, and Westphalen, *Diplomatarium* (*Mon. Ined. Rer. Germ.* IV), c. 1016. Contrary to the experience of modern Universities, this poorest class was undoubtedly disorderly. This is the account given of them at Oxford: 'Per dies dormiunt ac in noctibus circa tabernas [et] lupanaria spolia homicidiaque vigilant' (*Mun. Acad.* p. 320).

CH. XIV. of the Seven Arts which adorn the front of Chartres Cathedral, Grammar alone carries a rod[1]. There has always, indeed, been considered to be some peculiar and mysterious connexion between the rod and classical scholarship; a former age might have even attributed the decay of classical scholarship in the medieval Universities to the absence of this stimulus. Certain it is that it was at about the time when classical studies began to revive that the rod reappeared in academical lecture-rooms. In all the University records of the Middle Ages there is not a single hint or allusion to corporal punishment until

[1] In the poem of Theodulfus, *De VII Liberalibus Artibus* (*Mon. Germ. Hist. Poet. Lat. Med. Ævi*, I. p. 545), Grammar is thus described:

'Huius læva tenet flagrum, seu dextra machæram,
Pigros hoc ut agat, radat ut hæc vitia.'

So Mapes, in *Apocalypsis Goliæ Episcopi* (ed. Wright, 1847), p. 3:

'Hic Priscianus est dans palmis verbera,
est Aristoteles verberans aera.'

Kaufmann is the first writer who has pointed out the absence of corporal punishment in the ordinary discipline of medieval Universities, but he has omitted the needful qualifications. The severity of the discipline in the Grammar Schools may be estimated from the terse Statute of the College attached to the Cathedral School of Reims: 'Singulis noctibus disciplinas accipiant' (Varin, *Archives Administratives de la Ville de Reims*, I. p. 662 *sq.*). It would appear, moreover, that if the 'magnus Magister' found at the Saturday examination that the boys under the 'parvi Magistri' did not know their lessons, 'verberabit pueros *et magis magistrum eorum*' (Robert de Sorbonne, *De Conscientia*, in *Bibliotheca Patrum*, XIII. 1618, p. 384). In this discourse (according to the text of Bulæus, III. p. 227) there occurs the startling statement that 'si aliquis refutetur a Cancellario Parisiensi, verberatur;' but from the text of the *Bibl. Pat.* it appears (as, indeed, is demanded by the context) that a 'non' has dropped out. The *De Disciplina Scholarium* shows clearly enough that no corporal punishment—indeed, no punishment at all—was possible in the Arts Schools. 'Magister Franco in immansuetudine prodeat in exemplum, qui ob discipulorum suorum nobilitate sua utentium irrefrenabilem arrogantiam laqueo se suspendit; sapientius autem egisset si mansuetudine usus fuisset' (Migne, T. 64, c. 1235). It is true that the Master is required to be 'rigidus . . . ut . . . protervientes castiget;' but other instances of the use of 'castigare' show that it is probably not to be taken literally, and the remarks which follow, on the treatment of late scholars, make it plain that the Master had very little control over his scholars. It is only the Master who leaves the University to teach as a schoolmaster or tutor whose pupil 'parentum assensu virgis affligetur' (*ib.* c. 1237).

the fifteenth century. Then, indeed, the University of Paris, which was now for the first time making a serious effort to put down the disgraceful faction-fights which formed the favourite pastime of the medieval student, did on rare occasions in solemn Congregation order that the Rector and Proctors should go to the Colleges or Pædagogies of the offenders—offenders, it should be observed, who would now be liable to long periods of imprisonment or penal servitude—and there personally superintend the chastisement of the youthful rioters or bravoes. It is not till 1469 that we find similar penalties denounced for a mere University offence. In that year a new Statute was passed against the festive irregularities of the 'Feast of Fools,' and even then it is inflicted by University authority, not by individual Masters or Principals[1]. So at Louvain we find one or two cases of flogging ordered by the Faculty of Arts for homicide or other grave outrage[2]. These are the exceptions which prove the rule. They are new and extraordinary exercises of authority on the part of the University at large. It is almost as certain as such a matter can be made that the birch was quite unknown to the ordinary discipline of the University till towards the close of the fifteenth century or

[1] 'Quantum ad secundum articulum, deliberavit Facultas, quod transgressores sue conclusionis, scilicet portantes arma et assumentes habitus fatuorum, qui presentes sunt, corrigantur publice, in loco publico, puta in vico Straminis vel in Sancto Juliano, et in domibus eorum, coram Deputatis Facultatis; post correctionem vero susceptam, humillime si supplicaverint predicti transgressores, pro admissione ad gradus, tunc vult Facultas mite cum eis agere. . . . Facultas istos correctos scilicet admisit, si fuerint sufficientes, ad gradus vel baccalariatus vel magisterii' (Jourdain, No. 1369. An. 1469). Later on, in 1487, the Rector, Proctors, and 'Pedagogues' are given a general power 'ad corrigendum, reformandum, et ad deponendum omnes abusus Universitatis absque ulteriori congregatione Facultatis' (Bulæus, V. p. 784). It is obvious that they were not previously supposed to possess such power. Goulet dates the general reform of University discipline from this period, and there can be no doubt that it constitutes an epoch in University history.

[2] Vernulæus, *Acad. Lovan.* p. 58. Later we find corporal punishment denounced on any Artist under twenty-five who sells his books without permission of his Regent. Molanus, *Hist. Lovaniensium*, ed. Ram., II. p. 930.

CH. XIV.

later. Even then such discipline continues to be the exception rather than the rule.

General laxity of discipline.

A few illustrations of the way in which even grave outrages were dealt with may illustrate the last statement. At Ingolstadt, a student having killed another in a drunken quarrel at a 'symposium,' the University resolved on the confiscation of his scholastic effects and garments, and therewith contented did not proceed to the punishment of expulsion[1].' It is satisfactory to add that a Prague Master of Arts, believed to have assisted in cutting the throat of a Friar Bishop, was actually expelled[2]. The Statutes of the German Universities are far more precise and detailed on matters of discipline than any that have come down to us from Paris: it was perhaps natural for new Universities to embody in formal Statutes regulations which had been merely sanctioned by custom and tradition in the older bodies from which they sprang. We see in these Statutes—ranging from the last decades of the fourteenth to the end of the fifteenth century—a progressive attempt to introduce reasonable order into the undisciplined student-hordes of the earlier Middle Age. But the aims of medieval disciplinarians were—considering the youth of the pupils—of a very moderate order. It was as much as they could do (even in the fifteenth century) to compel the students to live in Halls presided over by Masters, to prevent students expelled from one Hall being welcomed at another, to prevent the Masters themselves condoning or sharing

Improved discipline of fifteenth century.

[1] 'Quidam studiosus *Joannes Hohenburger* Ambergensis, in symposio, cum ex altercatione verbali ad arma et pugnam deuentum esset, in ipsa dimicatione *Christophorum Tobs* itidem Studiosum interfecit. Facta est rerum ipsius Scholasticarum et vestium confiscatio, et ea contenta Vniuersitas ad exclusionis pænam non processit' (1479) (Rotmarus, *Annales Ingolstadiensis Academiæ*. I. p. 19). To prevent exaggerated inferences from a solitary case, it may be well to contrast the Leipsic Statute, 'quod quilibet repertus in homicidio remittatur ad episcopum perpetuis carceribus mancipandus' (Zarncke, *Statutenbücher*. p. 60). It is, however, unlikely that such a sentence was ever carried out. At Greifswald, a student who killed another in a quarrel is fined 200 florins (Kosegarten, II. p. 188).

[2] *Mon. Univ. Prag.* I. Pt. i. pp. 99, 100.

the worst excesses of their pupils, to compel fairly regular attendance at lectures and other University or College exercises, to require all students to return home by curfew at 8 or 9 p.m.[1], to get the outer doors of the Pædagogy locked till morning, and to insist on the presence of a Regent throughout the night[2]. In some cases students are compelled to dine in their Hall, and attend the subsequent disputation[3]. When the early habits of the community generally are remembered, it will be evident how much liberty or license these regulations still allowed to boys of fifteen or sixteen living in the very centre of large and densely populated towns. They were in general perfectly free to roam about the streets up to the hour at which all respectable citizens were in the habit, if not actually compelled by the town statutes, of retiring to bed. They might spend their evenings in the tavern and drink as much as they pleased. Drunkenness is rarely treated as a University offence at all. In some Statutes it is only on a third offence that a student is expelled for introducing suspected women into the Pædagogy. The regular

[1] At Erfurt it is enacted: 'Primo post campanam, que dicitur quinque solidorum, nullus scolaris absque necessitate vel racionabili causa vadat per plateas, et si causam rationabilem habuerit, vadat cum lumine aperto et per loca honesta' (Project for original Statutes in Weissenborn, *Acten*, II. p. 7). So at Leipsic, College-doors are to be shut at 9 in winter, and 10 in summer (Zarncke, *Statutenbücher*, p. 182). 9 p.m. was the general rule in the Colleges of Paris and Oxford; in the latter it is still retained, though ingress is allowed up to 12. Occasionally the hour of closing is earlier. At the Coll. de Narbonne in 1379 the gate is to be shut 'post occasum solis,' and *ad.* charged to all who wanted to go in or out afterwards—the first instance I have met with of the still extant Oxford abuse known as a 'Gate-bill.' The Narbonne Statute goes on to provide an increased penalty of 3 *solidi* 'si quis enormiter pulsaverit vel gravem strepitum duxerit,' and of ½ mark (*plus* repairs) for breaking the gate (Félibien, V. p. 666).

[2] At Heidelberg in 1453: 'Item quod in qualibet bursa vel eciam alia domo in qua scolares communiter dormiunt vel vivunt, in prandio et in cena sit ad minus vnus regencium eandem presens, maneatque in illa in hyeme a tempore cene, et estate a pulsu campane vini per integram noctem' (Hautz, *Gesch.* II. p. 395). The same Statutes provide for evening 'exercitia seu resumpciones.'

[3] E. g. at Rostock. Westphalen, *Diplomatarium*, col. 1029. These Statutes seem to be given as the original Statutes (*circa* 1419), but some things in them suggest a later date.

CH. XIV.

patrol of the Proctors with pole-axe and armed attendants seems to be almost peculiar to the English Universities[1]. In Louvain, and probably many German Universities, the repression of 'night-walking' was entrusted to the 'Promotor' of the University[2]. The penalties which are denounced and inflicted even for grave outrages and immoralities are seldom severe and never of a specially schoolboy character. In the most serious cases there was imprisonment[3] or excommunication; offences somewhat less serious, including many which would now be treated as crimes (except, indeed, in Universities), are punished by postponement of the degree, expulsion from the College or Pædagogy, temporary or permanent banishment from the University town; while ordinary breaches of discipline are expiated by fines.

Tariff of fines for assaults.

Very curious is the minuteness with which in many University or College Statutes a graduated scale of pecuniary penalties is adjusted to the various degrees of undergraduate enormity. Thus, in the Statutes of the Collegium Minus at Leipsic, drawn up in 1438, we find a fine of 10 new *groschen* provided for the offence of lifting a stone or other missile with a view of throwing it at a Master, but not actually throwing it. For throwing and missing, the mulct is increased to 8 florins: while a still higher penalty is provided for the more successful marksman[4]. A later

[1] In 1536 we find a citizen complaining that 'the proctor did thrust his pole-axe at him.' Doc. quoted by Boase, *Oxford*, p. 116.

[2] 'Promotor per dominum Rectorem jussus, noctu plateas obambulet, cum praetore vel sine praetore. . . . Quod si aliquem nocte illa apprehenderit, habeat ipse ab apprehenso octo stuferos et quilibet famulorum ejus quatuor stuferos' (Stat. in Molanus, *Hist. Lovaniensium*, ed. Ram., II. p. 907).

[3] In some German Universities there was a kind of genteel University prison for short periods. Thus at Leipsic, a student may be required 'sedere in turri' for any period not exceeding six months. Zarncke, *Statutenbücher*, p. 55. Offenders were politely invited to go to prison (a custom still observed in some German Universities), refusal involving expulsion. *Ib.* p. 57.

[4] 'Item levans lapidem, cantrum aut consimile animo proiiciendi post corpus alicuius magistri, non tamen proiiciens, dabit collegio pro poena 10 novos grossos. Si vero proiecerit et corpus non tetigerit, dabit collegio 8 florenos pro poena. Si autem ipsum tetigerit citra vulneracionem,

Statute further distinguishes between 'hitting without wounding' and 'wounding without mutilation,' for which the penalty rises to 18 florins, together with compensation to the injured Master, while only for actual mutilation is the penalty of expulsion denounced[1]. The Statutes of Vienna contemplate the possibility of flogging for the very poorest class of students[2]. With this exception it is not till the first year of the sixteenth century that we encounter a threat of flogging in the Statutes of the University of Tübingen[3], which seem to breathe a kind of Protestant austerity even before the dawn of the Reformation. The 'imposition' would also appear to be a sixteenth century improvement in 'Pædagogy'[4]. CH. XIV.

Greater strictness in Colleges.

It was, as has been already remarked, the growth of Colleges that led to that great revolution in University discipline which reached its climax in the sixteenth century. The College introduced an entirely new relation between the teacher and the taught. The scholar who accepted

iuxta formam prioris statuti puniatur' (Zarncke, *Statutenbücher*, p. 227).

[1] *Ib.* p. 232.

[2] See above, vol. I. p. 507 *note*.

[3] The Statute recites that whereas certain students had been imprisoned, and certain others to procure their liberation 'recusarunt bursalia exercicia et actus scholasticos solito more audire non sine quadam conspiracione,' such attempts are prohibited 'sub prestiti iuramenti debito et pena exclusionis perpetue ab vniversitate aut correctionis publice virgarum duorum seniorum huic machinationi interessentium' (*Urkunden zur Gesch. d. Un. Tüb.* p. 105). The provision is obviously an extraordinary expedient to meet an extraordinary emergency. In the thirteenth century students in the like case would have seceded and started a new University. In the very full records of Leipsic I find no allusion to 'virgæ' till 1543, when we hear of 'castigationes' by the tutors or 'Præceptores,' who were instituted in 1517. Zarncke, *Statutenbücher*, pp. 72, 90.

[4] The earliest instance I have met with is in the Statutes of Corpus Christi College, Oxford (p. 99), in 1517, where the President may punish 'per injunctionem ut per horam vel horas, cum minime vellet, aliquid scribat aut componat in Bibliotheca.' So in 1524 at Leipsic students are sentenced for lampooning each other ('mutuis libellis et iambis') 'ingredi carcerem et offerre domino rectori carmina greca,' &c. (*Acta Rectorum*, ed. Zarncke, p. 7). The imposition is thus distinctly a product of Humanism. It will hardly be believed by many persons now living in Oxford that impositions have been set and performed (*per se vel per alium*) by the Dean of an Oxford College within the last few years.

CH. XIV. a College endowment was no longer free to step across the road into a rival Hall if dissatisfied with the treatment which he received from his own Principal. Within the College walls he could be compelled to prepare his lessons, to 'repeat' them afterwards, or to take part in disputations or other exercises, as he could not be in the Schools of the University Regent, which he was free to leave at any moment. The College was under the supervision of a man of more years and more character than the average 'Principal'; and neither he nor the subordinate College officers had anything to gain by condoning or winking at the irregularities of their charges. Even the boarder who was not on the foundation was probably placed there by his parents for the express purpose of subjecting him to a more real discipline than he was under at the Hall; and it would be difficult to keep up one standard of discipline for the foundationers and another for the pensioners or commoners. Moreover, the mere character of the College building may have done something to facilitate discipline. A solid and substantial stone building, with a massive door well barred against the incursions of hostile mobs, offered smaller facilities for nocturnal escapades than the rickety tenement in the crowded street which must often have served as the boarding-house of the ordinary student society. The Hall-man must perforce have been turned out into the street for any recreation that he enjoyed. The College often included a garden, or at least a quadrangle, which made it possible to restrain to some extent the unattached student's unbounded liberty to haunt taverns and roam the town, alone or in noisy parties, at all hours of the day or night [1].

College discipline

Yet even in the College the discipline was at first by no means that of the modern schoolboy. The College was a

[1] The Statutes of Harcourt provide that 'nullus . . . bibat in taberna tabernarie sub pœna sex denariorum' (Bulæus, IV. 156). Does this mean 'tavern-wise' (i. e. perhaps, not as a 'bona fide traveller') or 'of a female tavern-keeper'? At the same College occurs a prohibition, 'ne aliqui de domo vadant de nocte ad choream vel processionem Nationis' (*ib.* p. 159).

self-governing community, obliged to obey its own Statutes and its own officers, but still a community like a monastery or a secular chapter, every member of which (no matter of what standing) was under tolerably strict discipline himself, while he was expected to take more or less part in maintaining the discipline of the House. At the annual chapter or scrutiny every member was invited (after the monastic fashion) freely to criticize the defects in his comrades' character and conduct[1]; and the College Statutes frequently enjoin a system of mutual espionage[2]. Although the senior members of the House were admitted to a share in the government from which the juniors were excluded, there did not exist that sharp distinction between governing and non-governing members, or graduate and non-graduate members, which we find in the College of more modern times[3]. All alike were students, though some of them might be teachers also. In the earlier College Statutes the discipline was much the same in its requirements for the Theologian of thirty and for the Artist of sixteen. The penalties are generally fines or forfeiture of commons, and, in cases of persistent obstinacy, expulsion. Occasionally we meet with the time-honoured custom of 'sconcing,' still

at first ecclesiastical rather than scholastic.

Sconces.

[1] An exceedingly amusing record of the 'Scrutinies' for 1338 and 1339 at Merton has been printed by Thorold Rogers, *Hist of Agriculture and Prices*, II. (Oxford, 1866), p. 670 *sq.* One Fellow complains that another called the Warden by his Christian name 'coram omnibus.' Another demands 'quod capellanus corrigatur quoad calligas et ejus vestes;' another is also exercised 'de caligis Willelmi capellani;' another complains of the 'unhonest' boots of the Fellows themselves, &c. &c. Most of the complaints relate to violent quarrels and assaults; one suggests embezzlement of College funds. When there is no scrutiny, students were constantly called upon by the Statutes to inform against one another.

[2] 'Jurabit etiam quod si aliquem de sociis nouerit ebriosum tabernas uel inhonesta spectacula communiter usitantem contenciosum luxuriosum uel notabiliter uiciosum custodi seu eius (MS. eius seu) locum tenenti quamcicius honeste si comode poterit indilate reuelabit' (Statutes of Pembroke College, Cambridge, in the College Treasury).

[3] Except, indeed, when the junior members were more or less the personal servants of the Foundationers, as with the 'clerks' of the Sorbonne or the 'poor boys' of Queen's. I am speaking of the relation between regular members of the Foundation.

CH. XIV. preserved in the College halls of Oxford for offences against an elaborate and arbitrary code of undergraduate etiquette. But in the Middle Ages even grave offences were expiated in this jovial fashion, as for instance at the Sorbonne, where a Fellow who should assault or 'cruelly beat' a servant was to be mulcted in a quart (*sextarium*) of better wine, not for the benefit of the injured menial, but of his unharmed brother-fellows[1], no less than for what, according to modern ideas, would seem the minor offences of talking French or excessive hilarity at meals[2].

Register of the Sorbonne.

The fifteenth-century Register of the Sorbonne—one of the very few documents of the kind which has come down to us—is full of amusing cases of 'sconcing' alike for serious and for trifling breaches of College discipline, imposed now upon grave theologians and now upon their humbler and younger servitors or 'clerks.' A Doctor of Divinity is sconced a quart of wine for picking a pear off a tree in the College garden, or again for forgetting to shut the Chapel door, or for taking his meals in the kitchen[3]. Clerks are sconced a pint for 'very inordinately knocking' at the door during dinner, 2*s.* for being very drunk and committing many 'insolences' when in that condition[4], or a pint for 'confabulating' in the court late at night, and refusing to go to their chambers when ordered, or for asking for wine at the buttery in the name of a Master and consuming it

[1] *Chartul. Univ. Paris*, T. I. pt. i. No. 448.

[2] At the Cistercian College: 'Verbis latinis et non aliis, sub pœna solutionis unius pintæ vini qualibet vice assistentibus illico distribuendæ, loquantur' (Félibien, *Hist. de Paris*, III. p. 173 *b*). 'Sconces' are also imposed for other offences not serious enough to warrant 'disciplina regularis' (*ib.* p. 174). In the Collége de Cornouaille in 1380 scholars are required to behave themselves during meals and grace 'cessante temporibus prædictis quocumque clamore, tumultu, risu, ludo et quacumque inordinatione; et contrarium faciens puniatur in æstimatione unius quartæ vini mediocris . . . quod vinum inter socios compotabitur' (Félibien, III. p. 501). So it is forbidden to walk about the College 'cum calepodiis, id est cum patinis, sub pœna unius pintæ vini pro qualibet transgressione' (*ib.* p. 502).

[3] *Bibl. Nat. Cod. Lat.* No. 5494 A. ff. 2, 3, 6.

[4] *Ib.* ff. 2, 5.

themselves[1]. The 'common clerk' or head cook is likewise sconced for 'badly preparing the meat for supper,' or for not putting salt in the soup[2]; and it would appear that, while the Fellows at least had the drinking of the sconces which they imposed upon members of their own body, the clerks were at times 'sconced' for the exclusive benefit of the Fellows. At all events, we find a clerk threatened with expulsion for saying that the Fellows were in the habit, when unable to gratify their bibulous propensities at their own expense, of finding excuses for sconcing the clerks, and drinking at theirs[3].

The medieval undergraduate and the modern.

In some respects the discipline under which these boy-undergraduates were placed was less strict than that to which men as old as the Masters of Arts of that day are subject in modern England. At the College of Navarre, for instance, so serious an offence as passing the night out of College was expiated by a fine of two *solidi*, only half the amount of the Artist's weekly table allowance[4]. At the same College a student might apparently have a guest to sleep with him for any period under a week without the Master's leave[5]. Where the regulations savour of antique rigour, it is in general the rigour of the Monastery rather than the rigour of a strict School—as, for instance, the requirement that all students below the grade of Bachelors

[1] *Bibl. Nat. Cod. Lat.*, No. 5494A. ff. 6, 40 ('nomine magistri sui ut fingebat et non sic erat'); though on another occasion immorality followed by perjury is punished by a sconce of a quart (*ib.* f. 8).

[2] *Ib.* ff 12, 21. The same official (f. 23) is admonished and fined a 'bachelor' of wine ('unum baccalarium vini de meliori ad extra') [i. e. not mere College wine] for being found 'penes Sanctum Andream de artibus (i. e. arcubus) cum una meretrice.' For having a 'meretrix' in his chamber on Lady-day a clerk is, however, expelled (*ib.* f. 29).

[3] 'Anno quo supra die x^ma^ octobris fuit potus clericus magistri nostri magistri Rolandi Guillelmus ad sex solidos parisienses propter verba scandalosa que de magistris protulerat ut pote quod magistri erant potatores et quando non habebant unde potare gratis quod ipsi inveniebant occasiones potandi suos clericos. Fuit etiam dictum quod si amodo in consimilia incideret quod de collegio expelleretur quoniam *unica prava pecus inficit omne pecus*' (*ib.* f. 2).

[4] Bulæus, IV. p. 91.

[5] *Ib.* It is possible that for a less period the leave of the Principal of the Artists was wanted.

CH. XIV.

shall ask leave to go out and only walk the streets two and two, to avoid 'scandal.' The silence and bible-reading in Hall, the enforcement of punctuality at meals on pain of bread and water, the appointment of spies to inform against—not indeed (as in the cloister) all talking—but talking in the vulgar tongue, are other features of collegiate discipline which show the influence of monastic ideas.

Fasting.

Robert de Sorbonne, indeed, introduced into his College the rigid fasting of the monastic Houses, i. e. total abstention from food till after Vespers on all the fast-days of the winter season[1]. We meet with the same ascetic rule in other Colleges; elsewhere the younger scholars are expressly let off with mere 'abstinence' from meat[2]. Occasionally, as for instance in the very ecclesiastical Colleges of Toulouse, the monastic penalty of so many days' bread and water is prescribed for serious offences[3]; but such provisions are not found at Paris or Oxford.

Later development of flogging in Colleges at Paris;

At Paris there are no traces of corporal punishment in College Statutes except for Grammarians[4] before the sixteenth century. It first occurs in the exceptionally rigid code of Statutes drawn up for the College of Montaigu by the great College reformer, Jean Standonck, and is then prescribed only in case of violence or rebellion[5]. As late as 1540 another French College confines this punishment to

[1] 'Diebus jejunalibus a festo Omnium Sanctorum usque ad carnisprivium non comedatur in domo ista de bursa nisi in vesperiis et post omnes lectiones diurnas' (*Chartul.* T. I. pt. i. No. 448). In 1315, in accordance with the then general custom of the religious houses, dinner was put back to Nones, but in 1362 the house returned to its original usage. Hemeræus, MS. *Sorbonæ Origines*, ff. 33, 34.

[2] E.g. at a Toulouse College, all under twenty. Fournier, I. No. 631.

[3] E. g. eight days for introducing a woman into College. Fournier, I. No. 811.

[4] E. g. Félibien, III. p. 511.

[5] 'Pœnam subibit usque ad disciplinæ susceptionem' (Félibien, V. p. 734). Stoppages of food and monastic prostrations are also features of Standonc's very peculiar system. It should be observed that students in the monastic Colleges were, like other monks, subject to 'regular discipline.' In a College at Montpellier we hear of a student who said he was 18, but was believed to be over 21, forming a plot to wound or kill his Master 'quia verberabat eum sicut alios studentes' (*Cartulaire de M.* I. p. 542; cf. pp. 547–8).

Grammarians under fifteen years of age[1]. The Register of the Sorbonne shows, however, that flogging was occasionally resorted to in dealing with serious offences on the part of the clerks who, it must be remembered, were poor boys acting as the personal servitors of individual Fellows. Even in their case it is confined to such offences as assaults on other clerks, 'even to effusion of blood though moderate,' or kicking the 'common clerk,' or repeatedly sleeping out. In one instance it is allowed in the case of the younger clerks as an alternative to heavy sconces for stealing 'apples, pears, cherries, and grapes, in sufficiently large quantities' from the College garden[2]. The general principle of College discipline at the Sorbonne was that each Master was responsible for the behaviour of his clerk, for whose offences he was himself liable to be sconced. When corporal punishment was thought advisable, the Master was ordered to flog his own clerk or have him flogged by the boy's Master in the Schools[3]. The Fellows were very much disposed to take the part of their humble companions, and sometimes have to be sconced themselves for not carrying out the flogging orders of the College. On one occasion the Prior has to be likewise fined for not enforcing these sconces against a too indulgent Fellow[4]. In all these cases it is to be observed that there is nothing to show the age of the boys: they may in all cases have been mere Grammarians.

[1] In the College of Tours: 'Quas quidem pœnas pecuniarias non intelligimus habere locum in parvulis grammaticis minoribus quindecim annis; sed loco illarum pœnarum pecuniarium volumus quod puniantur per ipsum primarium virgis, moderate tamen et non sæviendo' (Félibien, III. p. 421).

[2] MS. Reg. ff. 4. 7, 40. In one case a clerk is expelled because 'nec correctionem nec monitionem a magistris sustinere volebat' (f. 41). Where the offence was an assault on a comrade (who was of course a clerk), the offender was usually directed to go to the Penitentiary for absolution. In one case of drawing a knife against another clerk (how far it was used does not appear) the College was satisfied with this penalty.

[3] 'Fuit etiam potus ad unum bachalarium de extra et iniunctum magistro suo quod ipse ipsum verberaret vel verberare faceret in scholis' (MS. Reg. f. 4).

[4] *Ib.* ff. 7, 8. In one case the Master 'dixit magistro qui verberabat in secundo ictu quod sufficiebat et per modum derisionis recessit.'

CH. XIV. and in England.

The prolongation of the whipping age to the verge of manhood is perhaps peculiar to the English Universities. Even at Oxford, however, the sanctity of the human person seems to have been as jealously respected as in a modern French Lycée during at least the first half of our period. The earliest exceptions occur in the second half of the fourteenth century, and are essentially of the rule-proving order. The Statutes of Queen's are the first Statutes of a secular College which prescribe this mode of correction: and then it is only the 'poor boys' who are to be in certain cases offered the alternative allowed in the well-known inscription at Winchester,

'Aut disce aut discede; manet sors tertia cædi.'

These boys, it may be remembered, were some of them Grammarians, who would be flogged as a matter of course like other schoolboys: some of them were or *may* have been Artists, but all were foundationers of the poorest class, whose prospects would have been ruined by expulsion from the College; yet even in their case it is contemplated as possible that when they had reached 'marriageable years,' they would kick against schoolboy discipline, and prefer the more serious but less humiliating alternative[1]. Even at Magdalen, founded in 1458, corporal punishment is only contemplated in the Grammar School, to which, it will be remembered, the younger Demies were sent. The Statutes of Brasenose—founded in 1509—are the first which exhibit the undergraduate completely stripped of all his medieval dignity, tamed, and reduced to

[1] 'Sic vero de mea consanguinitate vel aliunde per socios admissi ab hujusmodi eleemosyna non repellantur, nisi ob defectum morum vel profectus, . . . aut nisi, postquam annos attigerint nubiles, castigationes concernentes delicta seu eruditiones eorum, sive in curialitate sive in literatura, a superioribus suis quorum intererit imponendas suscipere et servare contempserint' (*Statutes*, p. 30). In the same Statutes 'castigatio' is denounced for not speaking in Latin or French, 'quam si sustinere noluerint pœnam incurrant paulo superius annotatam.' So, a little earlier, at Durham College the monks thought 'castigatio' a suitable punishment for their poor secular servitors. Wilkins, *Concilia* (1737), II. pp. 614 *a*, 615 *b*.

the schoolboy level, from which he did not begin to emerge again till towards the close of the seventeenth century. Here he is subjected to the birch at the discretion of the College Lecturer for unprepared lessons, playing, laughing or talking in lecture, making 'odious comparisons,' speaking English, disobeying the Lecturer, as well as for unpunctuality or non-attendance at Chapel, and other offences which fell under the cognizance of the Principal [1]. The Statutes of Dr. Caius for his College at Cambridge contain a precise definition as to the age after which personal correction was exchanged for a pecuniary fine. The Founder, who was a great disciplinarian, fixed the age at eighteen [2]. Wolsey's Statutes for Cardinal College put it at twenty [3]. The sixteenth century was the flogging age *par excellence* in the English Universities.

Reaction of Colleges upon University discipline.

In time the discipline of the Colleges began to react upon the discipline of the Halls and of the Universities generally. The very ample Statutes of the German Universities enable us to trace the gradual tightening of discipline which goes on till the sixteenth century is reached. The Statutes become increasingly minute and restrictive in their interference with all manner of 'unacademical' pleasures, in the strictness with which they require attendance at University and College exercises, including the Hall-dinner with its post-prandial disputations. A visit to the tavern, or even the kitchen of the College or Hall [4],

[1] 'Secundum discretionem Lectoris puniatur, et hoc poena pecuniaria; alioquin virga corrigatur' (*Statutes*, p. 15). 'Et volumus, quod illa particula, scilicet "vel virga corrigatur," conformiter intelligitur in omnibus aliis statutis poenalibus poena pecuniaria' (*ib.* p. 19).

[2] 'Adultos vocamus qui annum exegerint decimum octavum.' Caius seems to find a curious reason for the definition in the fact that 'ante eam ætatem et antiquitus et nostra memoria quoque braccas inducere adolescentia non solebat' (*Cambridge Documents*, II. p. 271).

[3] 'Si graduatus non fuerit nec vicesimum ætatis suæ annum compleverit, talis vel verberibus castigetur, vel prædictis pœnis aut aliis . . . ad arbitrium Decani et unius censoris . . . puniatur' (*Statutes*, p. 70).

[4] A scholar in the *Manuale Scholarium* complains: 'Et quod plus me intus cruciat, quater in coquina arreptus sum: postulant a me denarios. *Bartoldus.* Quo iure hoc faciunt? *Camillus.* Rogas? Sta-

CH. XIV.

becomes a University offence[1]. In France the younger students are confined to their Halls, forbidden to pawn their clothes, and sent out to walk two and two under the supervision of a Master, in the melancholy fashion still characteristic of the Parisian Lycée[2]. In short, the beginning of the fourteenth century found the non-collegiate undergraduate a gentleman at large: the close of the fifteenth left him a mere schoolboy—though less completely so in Germany than at Paris and Oxford. The revolution is the more remarkable since the tendency seems to have been, if anything, to come up later than had been the case in earlier times[3].

Aularian Statutes at Oxford.

These remarks might be abundantly illustrated from the hitherto unpublished *Statuta Aularia* at Oxford. The mere enactment of a body of Statutes for the Halls by the authority of the University in place of the private Statutes enacted by the scholars, marks an important step in the extension of College discipline to the unendowed

tutum fecerunt, ne quis intret coquinam, nisi famulus sit aut causam quandam habeat urgentem' (Zarncke, *Die Deutschen Univ. im Mittelalt.*, Leipzig, 1857, I. p. 28. As to this Dialogue, see below, p. 629 *sq.*).

[1] We do, indeed, find such a prohibition as early as the Statutes of Erfurt—or, rather, a project for the original Code of Statutes, which does not appear to have been ever formally enacted. The silence of many later Codes—in spite of the general resemblance of the disciplinary clauses of different German University Statutes—perhaps indicates that the provision could not be practically carried out. The Statute provides: 'Item ad publicas tabernas non vadant in nocte seu in die nec ad alia loca inhonesta' (Weissenborn, *Acten*, II. p. 7). At Leipsic a similar provision does not occur till 1458. Zarncke, *Statutenbücher*, p. 59.

[2] Cf. the following Statutes of Angers in 1494: 'Caveant pedagogi, ne sui scholares sint vagabundi seu illicentiati domum exeant et ne vestimenta sua aut libros in extraordinariis victualibus et superfluis aut ludis exponant, sed domum clausam teneant, maxime crepusculo adveniente' (Fournier, I. No. 497). So again: 'Quod scholares hujusmodi non mittantur ad campos sine Magistro, qui eos ducat et reducat, regat et gubernet simul et in eodem loco, ut ad omnes possit advertere, et bini et bini incedant et redeant, maxime per villam' (*ib.*). The discipline of the smaller French Universities seems to have been particularly strict at this time: their Arts Faculties were, indeed, mere Schools for boys.

[3] Whereas at Paris a boy might be B.A. at fourteen, Leipsic forbids graduation 'nisi attigerit septimum decimum annum' (Zarncke, *Statutenbücher*, p. 331).

societies. Such a body of Statutes appears to have been enacted for the first time in the Chancellorship of Gilbert Kymer (1431–3 or 1446–53) 'by the discrete and mature advice and consent of the venerable Assembly of Masters and of the Principals of Halls.' Another body of Statutes was passed in the Chancellorship of John Russell, Bishop of Lincoln (1483–94)[1], and there can be little doubt that this is the Code which we have before us in the document printed as an Appendix to this work. The regulations are of much the same kind as we find in College Statutes, but (as is natural) rather less exacting. There are Statutes against swearing, games of chance, the art *bokelar*, 'unhonest garrulities,' walking abroad without a companion, being out after eight in winter or nine in summer, sharing a bed with a 'socius' without leave of the Principal, entering another man's chamber without his consent, 'odious comparisons of country to country, nobility to ignobility, Faculty to Faculty,' speaking English except at a 'gaude' or principal feast, and so on[2]. There are compulsory excursions into the country 'for the recreation, convenience, and honour of the community': but on ordinary occasions students are merely required in the customary manner to walk with a companion if possible. They are free to be absent from meals and receive an allowance in respect of unconsumed commons; but attendance is enforced not only at the lectures, recitations, and disputations of the Hall, but at the lectures and disputations of the University. All are required to hear Mass[3] daily and to attend University Sermons. After the

CH XIV.

[1] *Mun. Acad.* p. 358. This Statute, dated 1489, provides for the periodical reading of the Code in each Hall. There can therefore be little doubt that the MS. copy (Rawlinson Statutes, No. 34) was made at this date. Its existence has hitherto been quite unknown, the MS. being uncatalogued. It is printed below in Appendix XXX.

[2] 'Preterquam gaudiorum tempore et festorum principalium infra precinctum aule' (f. 4 *a*).

[3] 'Item quod quilibet infra aulam existens cotidie audiat missam et dicat matutinas et vesperas secundum exigenciam sui ordinis uel condicionis sub pena oboli' (f. 1 *a*). Matins and Vespers on ferial days can hardly be imposed upon persons not in holy orders. On Sundays and Festivals all were to attend

CH. XIV

evening potation[1] the community ended the day by singing the 'Antiphon of the Blessed Virgin' or *Salve Regina* together. A definite penalty is imposed for every offence, ranging from ½*d.* for not speaking Latin to 6*s.* 8*d.* for assault with effusion of blood. In most cases the fine is limited to a few pence. No other penalty than a fine is authorized except in the case of boys who had been placed under the charge of a 'Tutor or creditor,' who was to be excused payment of the fine if he had undergone 'corporal chastisement' in public at the hands of the Principal on Saturday night[2]. As there is no indication that it was necessary for even the younger scholars in Halls to have such a Tutor, it may be inferred that it was a luxury of the rich[3].

Traces left of ancient autonomy in Halls.

It should be observed that even these Oxford Statutes which had for their very object to assert the authority of the University and of the Principals contain traces of the old Aularian self-government. Thus, though the Principal when once elected holds his office independently of the Students, the Students every week elect an 'Impositor' who is to enforce the observance of the Statutes. It would appear that he imposed the prescribed fines by his own authority and only reported the offences to the Principal at the weekly meeting or chapter of the whole community after the singing of the Antiphon on Saturday night. The

High Mass, Matins, and Vespers in the Parish Church. A Chapel in the Hall was exceptional.

[1] It is not quite clear whether this was observed only on Saturdays or every day. Sometimes we find this function specially associated with Saturday: elsewhere it seems to be a daily observance.

[2] 'Quod vnusquisque scolaris manens sub magistro tutore aut creditore subeat in noctibus sabatinis publice correccionem corporalem aut alias multam pecuniariam pro suis excessibus contra prefata statuta ... non obstante quod magister suus tutor curator aut creditor suus tunc dixerit se illos excessus correxisse' (*l. c.* f. 9). (This is the first occurrence of the word *Tutor* that I know of. For the English 'Creansyr' in this sense, see Murray's *New Eng. Dict.* It is perhaps implied that other very young scholars were treated in the same way.

[3] It was probably a Tutor of this kind who is alluded to in one of the *Paston Letters* (ed. Fenn, London, 1787, I. p. 144), where the mother of Clement Paston sends a message to his Tutor (not in the University) desiring 'that he wyll trewly belassch hym tyll he wyll amend, and so did the last Maystr and ye best that euer he had att Caumbrege.'

fines go to the 'community.' Moreover, offenders refusing to submit to them are to be expelled 'by the authority of the Principal and community[1].'

Latin-speaking and the 'lupus.'

One feature of the discipline of the later medieval College is too curious to be passed over. We have already noticed how invariable is the insistence in the Statutes upon speaking in Latin. How far such a regulation was really enforced in the early Colleges or Halls it is difficult to conjecture. But, when the undergraduate had been fairly tamed, we find a widely spread system of spies called 'lupi,' who were secretly appointed by the Masters to inform against 'vulgarisantes,' as the offenders were called who persisted in the use of their mother-tongue. We get constant allusions to this practice in the 'Manuale Scholarium' which emanated from Heidelberg towards the close of the fifteenth century[2], and the appointment of 'wolves' is required by some of the German Statutes[3]. There is no express evidence in any English College Statutes of a corresponding practice, but it appears in the seventeenth-century Statutes of Harrow School[4], and was possibly not unknown in the Universities at a time when there was very little difference between the discipline of a College and that of a Grammar School.

Bachelors.

In the later medieval period, when the Bachelorship of Arts had acquired greater importance than it once possessed, the Bachelor enjoyed a good deal more personal liberty than was accorded to the younger boys. At Navarre, for instance, he is allowed to walk abroad by himself, while the undergraduate was required to have an 'honest companion[5].'

[1] *Statutes*, ff. 8, 9.

[2] 'BARTOLDUS. Quid te sollicitat? CAMILLUS. Obsecro, animadverte: duodecies fuerim in lupo! . . . B. Quis erat? C. Haut scio. . . . Dabo operam, perscrutabor ipsum; tandem postea iniuriam hanc ulciscar' (Zarncke, *Die Deutschen Univ. im Mittelalt.* p. 28). So at Bâle (Vischer, p. 152): 'Item rector burse diligenter provideat de signatore vulgarisancium quem lupum vocant, qui vulgarisantes fideliter signet et se nulli manifestet sub debito fidei sue rectori debite' (*c.* 1466 A.D.).

[3] Zarncke, *Statutenbücher*, p. 477 (A.D. 1499).

[4] *The Commem. of the Tercentenary of Harrow School*, Harrow, 1871, p. xxvii *sq.*

[5] Launoi, *Reg. Nav. Gymn. Hist.* (1687), I. p. 33.

CH. XIV.

Both classes of students were, however, it would seem, accompanied by the Vice-Master to University Sermons and into the country, when leave was given for that purpose [1].

The Bejaunus and his Deposition or Initiation.

Student initiations.

Amid all variations in the degree of his subjection to Masters or University authorities, the medieval undergraduate was everywhere and at all times bound by a far more intolerant and inflexible code of student etiquette. We have already noticed the hoary antiquity and the widespread prevalence of the custom of student-initiation. Three deeply rooted instincts of human nature combined to put this custom beyond the reach of magisterial suppression [2]. It gratified alike the bullying instinct, the

[1] Launoi, I. 103 (A.D. 1404).

[2] A Statute on this subject was passed by the University of Paris in 1341 (Bulæus, IV. p. 266: *Chartul.* T. II. No. 1057): 'Et quia plurimorum frequentius querelas accipimus, quod nonnulli per eorum potentiam bona simplicium scolarium occasione bejaunie sue rapiunt, nisi eis satisfiat de bejaunia, quam etiam mala malis accumulantes taxare nituntur pro libito voluntatis, et sic in hoc magnam partem sue pecunie coacti per raptores hujusmodi exponunt, de qua possent diutius in studio sustentari: hinc est quod nos attendentes predicta, nec non insultus, verbera, et alia pericula que solent exinde evenire, quodque etiam per talia plures a nostro distrahuntur studio, quod in nostri et prelibati studii redundat non modicam lesionem . . . sic duximus ordinandum.' The Statute goes on to forbid such exactions by any students 'exceptis sociis, cum quibus inhabitat, qui pro bejaunia domus poterunt recipere, dum tamen predicti bejauni hoc offerant spontanea voluntate.' 'Jurati' were to be deprived; 'non jurati' to be expelled 'a nostro consortio;' but how little control the University had at this time over the 'non jurati' is illustrated by the fact that it is obliged to order the Proctors to proceed against the offenders before the Official. So at Ingolstadt: 'Venerabile nostrum collegium decrevit quod decanus potestatem habeat vexatores et tribulatores novellorum studentum, quos beanos vocant, arbitraria pœna mulctare pœnamque sic inflictam in suos convertere usus' (Prantl, *Gesch. d. Univ. in Ingolstadt*, II. p. 103). A form of proclamation by a 'Conventor' (the Head of a Hall) forbids his students 'cornua, ut ipsi vocant, deponere, aut contra scamna aut alio quocunque modo socios suos ducere, sub pena duorum solidorum irremissibiliter persolvendorum' (*l. c.*). The 'contra scamna ducere' probably implies the proceeding in vogue at Aix (see below, p. 635, n. 1). At Valence it is forbidden even to call a freshman 'bejaunus,' or to put straws in his books, or to practise 'other vanities' (Fournier, III. No. 1842). In 1465 'quedam secta

social instinct, and the desire to find at once the excuse and the means for a carouse. First, the *bejaunus* or 'yellow-bill' (*bec-jaune*), as the academic fledgeling was styled, must be hoaxed and bullied; then he must be welcomed as a comrade; finally his 'jocund advent' must be celebrated by a feast to be provided at his own expense. The development of these initiations is one of the most curious episodes in University history. At first we meet with severe and sweeping prohibitions against all exaction of 'bejaunia' from the unfortunate youth whose little purse, intended to meet perhaps his first year's expenses, was liable to be half emptied by what sometimes amounted to a raid upon the hard-earned proceeds of a parent's lifetime. Gradually we find restrictions upon the number of guests taking the place of total prohibition: and from the authoritative sanction there is a gradual process to the authoritative requirement of the 'Depositio cornuum.' In the sixteenth century it has become in the German Universities an obligatory academical ceremonial like Matriculation or Determination[1].

Repression gives way to patronage.

A curious account of a freshman's experiences has come down to us in an already mentioned 'Scholar's Manual' of the fifteenth or early sixteenth century—a kind of medieval 'Verdant Green[2].' The story illustrates how the badger-

A medieval 'Verdant Green.'

abbatia bejaunorum vulgariter nuncupata' is suppressed at Montpellier (*Ib.* II. No. 1166). At Paris in 1488 the Statute of 1341 is only re-enacted with the saving clause 'præter spontaneam et moderatam Regis [Twelfth-night King] oblationem ac pecuniam noviter venientium qui vulgo Bejauni nominantur' (Bulæus, V. p. 783), which seems to imply that the 'Bejaunia' is now compulsory.

[1] This stage would seem to have been reached at Greifswald by 1456: 'Item a beano pro ipsius beanii depositione non plus tertia parte floreni exigere aut exigi promittere debent bursarum rectores. Item depositio beanii fieri debet in collegiis aut regentiis, nisi deponens filius fuerit alicuius incole huius ciuitatis, uel saltem licentiam habuerit decani et suorum assessorum specialem' (Kosegarten, II. p. 304). So at Rostock earlier (*circa* 1419); Westphalen, *Diplomatarium*, IV. cc. 1014-1016. A College Statute at Paris as early as 1380 requires that 'pro jocundo ... adventu solvat unusquisque secundum personæ suæ qualitatem et secundum quantitatem facultatum suarum,' &c. Félibien, III. p. 504.

[2] The book consists of a series of Dialogues intended apparently in part as a *répertoire* of the Latinity

CH. XIV.

ing or 'hazing' (as the American students call it) of the Bejaunus has gradually assumed a stereotyped form. The raw youth from the country is supposed to be a wild beast who has got to lay aside his horns before he can be received into the refined society of his new home. By this time the actual ceremony of 'depositio' has become a solemn University function, patronized though not actually conducted by the University authorities. The student is first represented as conversing with his new Master, whom he asks to arrange for his 'Depositio,' and entreats to let the expenses be as moderate as possible[1]. Then, after returning from Matriculation before the Rector, he is visited in his room by two of the students. They pretend to be investigating the source of an abominable odour which has reached their nostrils. At last they discover the cause; it is the newcomer, whom they take to be a wild boar. A closer inspection reveals that it is a 'beanus,' a creature that they have heard of but never seen. Then follows much chaff about the wild glare in his eye, the length of his ears, the ferocious aspect of his tusks, and so on. Then with mock sympathy it is suggested that the horns and other excrescences may be removed by an operation—the so-called 'Deposition.' The ceremony is apparently rehearsed in rough horse-play. The victim's face is smeared with soap or something of the kind by way of ointment; his ears are clipped; his beard cut; the tusks removed with a saw; and so on. Finally, they are afraid that the operation will be fatal: the patient must be shriven without delay. One of them feigns himself a Priest, and puts his ear to his

The Deposition rehearsed.

which a Scholar would require for conversational purposes at the University. It was published as a dateless black-letter book, and is reprinted by Zarncke in *Die Deutschen Universitäten im Mittelalter* (Beitrag, I. Leipzig, 1857). I have been quite unable to do justice to the graphic and vivid presentation of the scene.

[1] 'Disc. Optime præceptor, divitiæ parvæ mihi sunt. Ne prorsus sumptuosa collatio fiat, apprime rogo, neque etiam volo, quod nimium extenuetur ac honestas offendatur in re, sed mediocritas retineatur cum consuetudine. Mag. Probe intelligo. Vocabo igitur tres magistros et baccalaureos duos et quosdam de sociis meis' (i. e. pupils or boarders); *l. c.* p. 4.

mouth. His confession is repeated, word for word, by the confessor. The boy is made to accuse himself of all sorts of enormities: as a penance for which he is enjoined to provide a sumptuous banquet for his new Masters and comrades; and so he is led off to the Depositio proper.

The public Deposition.

The nature of the actual ceremony may be perhaps inferred from the anticipatory sketch of our two students. The victim appears to have been in some way dressed up in a cap adorned with horns and long ears to resemble a wild beast, and was then planed, sawn, or drubbed into shape with whatever varieties of insult or torture the wit, ingenuity, or brutality of different Universities might suggest[1]. A little book published in the sixteenth century contains pictorial representations of the scene. There is a procession headed by a Master in his academical dress and followed by students in a sort of masquerading costume. Then there is a representation of the planing down of the bejaunus extended upon a table, while a saw lies upon the ground, suggestive of the actual de-horning of the beast. Finally, his nose is held to the grindstone by one student while another turns the handle[2]. The work itself and later apologies[3] for the institution mention among the instruments of torture a comb and scissors for cutting the victim's hair, an *auriscalpium* for his ears, a knife for cutting his nails; while the ceremony further appears to include the adornment of the youth's chin with a beard by means of burned cork or other pigment, and the administration, internal or external, of salt and wine. In some

[1] Cf. Ennen, *Gesch. d. Stadt Köln*, III. p. 881.

[2] Dinkel, *De origine, causis, typo et ceremoniis illius ritus, qui vulgo in Scholis Depositio appellatur*, Erfordiæ, 1578 (a very rare work). It includes the 'Judicium reverendi patris D. Doctoris Martini Lutheri, de Depositione,' delivered on occasion of his taking part in one of these functions, and attempting to give a moral and symbolical turn to the ceremony. The Reformer's words were often quoted, and may perhaps have helped to postpone the extinction of the barbarity for a century or two.

[3] E. g. Valentinus Hoffmann, *Laus depositionis beanorum*, Jenæ, 1657; Gellius, *De depositione academica*, Lipsiæ, 1689. The former contains a speech from a student who presided as *Depositor* on one of these occasions.

CH. XIV.

Universities the dose of salt was eventually reserved as a penalty for refusal to submit to a certain 'Musical Examination' with which the proceedings concluded—a feature of the Depositio which will be recalled by readers of the classical story of English Public School life in the present century.

Deposition peculiar to Germany.

The particular ceremony of Deposition, it should be observed, is only heard of in the German Universities; but the system of extorting money and otherwise badgering or initiating 'bejauni' was all but universal [1]. In Germany the 'deposition' gradually paved the way for the so-called 'pennalism,' a system of brutal bullying and fagging of juniors by seniors which exceeds in barbarity anything which the annals of the English Public Schools in their worst days have to record. The system reached its height in the seventeenth century, and long defied all the efforts of Professors and Governments to put it down [2].

Initiations in France.

In Southern France the initiation of *Bejauni* assumed a somewhat different form. Here the freshman was not a wild beast who had to be civilized, but a criminal who had to be tried and admitted to the purgation of this peculiar form of original sin. At Avignon the conduct of this 'purgation of freshmen' was made the primary object of a religious Confraternity, formed under high ecclesiastical sanction, with a chapel of its own in the Dominican Church. While, as the preamble piously boasts, it was the object of the institution to put a stop to the 'nefarious and incredible enormities,' the drunkenness and immorality [3],

Guild of S. Sebastian at Avignon.

[1] For the bibliography of the subject, see Pernwerth von Bärnstein, *Ubi sunt qui ante nos in mundo fuere?* Würzburg, 1882, p. 103 *sq.*

[2] For a pathetic account of the sufferings of a poor boy often reduced to the verge of starvation by the depredations of the 'Bacchante' or older student who lived upon his beggings, see the *Autobiography of Thomas Platter* (E. T., London, 1839). I abstain from borrowing further illustrations from this source because (1) the date is somewhat too late; (2) the state of things described seems to have been peculiar to Germany and Switzerland; (3) none of the Schools frequented by these troops of wandering scholars were (so far as appears) Universities.

[3] 'Adjicientes predictis ut morum servetur honestas et viciorum macula profugetur ut prefati novicii sive bejauni non audeant sumpto con-

which usually characterized this celebration, the Statutes still compel the 'bejaunus,' except in cases of sworn poverty, to contribute six *grossi* to the funds of the Guild. A noble or beneficed student paid double, and if on temperance principles he wished to limit the expense of the banquet usually given by a new-comer, he might redeem it by a further payment to the funds of the Confraternity, to be spent 'to the honour of God and of S. Sebastian.' The 'purgation of his infection' was to be enforced by 'the capture of books[1].' Once enrolled as a member of the Guild, the freshman lost the 'base name' of bejaunus, and after a year's residence attained the 'honourable name' of student. By what ceremony over and above the compulsory subscription the purgation was carried out, does not distinctly appear; but, as we find that the Guild appointed two officers called 'Promotors' whose business it was to 'accuse' the freshmen, some sort of mock trial seems to be indicated. These fooleries contrast oddly with the provisions for Masses and Sermons with which the same Statutes are largely occupied. To the medieval mind there was probably nothing incongruous in the juxtaposition, though it is curious to find Apostolical sanction solemnly given to such a barefaced act of theft as the 'capture of books.' This particular instrument of extortion—strikingly suggestive of the workman's mode of enforcing class tyranny by the abstraction of tools—seems to have been the usual one in French Universities[2].

vivio pro meretricibus consociis aliquid impendere, per hoc illum ritum dampnabilem annulantes,' &c. (Fournier, *Une corporation d'étudiants en Droit en* 1441 [reprinted from *Nouvelle Revue historique de Droit*], Paris, 1887, pp. 16, 17). The following details are taken from the Statutes and documents there printed.

[1] 'Ad quorum solutionem per captionem librorum compellantur, sanctissime nostre confratrie utilitatibus et gloriosissimis operibus ejusdem fideliter applicandis' (*ib.* p. 15). It is not clear whether the banquet was defrayed out of these contributions or whether such entertainment was only expected in the case of the rich.

[2] At Orleans such extortions from Bejauni, 'per captionem, ablationem vel subtractionem librorum, unius vel plurium, aut aliorum pignorum,' is forbidden under pain of excommunication. Fournier, I. No. 167. Two years later (*ib.* No. 174) the Bishop again denounces any compulsion 'ut amplius expensis et injuriis

CH. XIV.

Abbatial Court at Avignon.

From the same University of Avignon chance has brought down to us the 'Statutes of the venerable Abbatial Court of this famous College of S. Nicholas,' i. e. the College of Annecy. This is the only documentary evidence that has come down to us as to the proceedings of those 'Abbots' whom students are so often forbidden by University and College Statutes to elect. The Abbot holds a Court twice a week. The object of the institution is not merely to conduct the 'purgation' of 'Bejaunia' (like the Confraternity of S. Sebastian) when the freshman has served his time, but to enforce a series of minute regulations respecting his habitual behaviour. The freshmen are to serve the seniors at table, not to stand between them and the fire in the hall, to give place to them on all occasions, not to sit at the first table in hall, and not to call one another 'Sir' (*domine*). Several Statutes relate to the especial duties of the junior man (*de officio ultimi*) in Chapel and elsewhere. Some of the regulations bear on all members of the College, or 'monks' as they are styled, and are enforced by fines: but the offences of the Bejaunus are expiated by a certain number of blows with a wooden spoon or ferule (*patella*). Moreover, every freshman received one such blow, apart from any special misconduct, every time the Abbot held his Court. After a certain term of good behaviour, the freshman was allowed to 'purge his freshmanship' by holding a 'repetition' upon an assigned *punctum* of the Institutes, and defending it against his brother-freshman (in imitation of the Inception), after which followed the actual purgation, of which we can ascertain no more than that it was a ceremony involving the use of water[1].

Purgation

A Statute of the neighbouring University of Aix enables

aggraventur ad solvendum hujusmodi bejannium suum seu suum novum adventum ad tabernam ducentes et, ut ovis ad occisionem ducitur, accedere compellentes; . . . et ex hiis commersationes, ebrietates, turpiloquia, lasscivie, pernoctationes, tam in huiusmodi taberna quam per villam de nocte incedendo, fractiones ostiorum, ut de aliis taceamus, oriuntur enormiter et insurgunt.' Cf. also No. 175.

[1] Fournier, *Statuts des Univ. Français*, II. No. 1343.

us to fill up the hiatus in our knowledge of the 'purgation' at Avignon. It there appears that, after the freshman had been duly accused by the promotor, he was sentenced to receive a certain number of blows with a book or a frying-pan. On the highly philosophical principle that 'infinity may be avoided,' it was, however, prescribed that each freshman should not receive more than three blows from each of an unspecified number of students, but, if there were 'noble or honourable ladies' present, the Rector might, upon their intercession, reduce the punishment to one from each operator[1].

at Aix.

No details happen to have come down to us of the customs in vogue at Paris, but they were no doubt very similar to those of the less famous French Universities. The Register of the Sorbonne contains a chance allusion to the election of an 'Abbot' and to a 'washing' of freshmen on Innocents' Day, a ceremony which was preceded by a procession in which the unfortunate 'bejans' were carried through the streets upon asses[2]. Allusions to

Similar customs at Paris,

[1] The details are difficult to make out. The Rector is required to give notice that freshmen shall submit to purgation within a month 'cum pena purgationis fiende in studio, sub libro super annum' (*sic*), but then goes on to prescribe that (apparently in all cases, even when there was no refusal to pay the 'bejaunia') 'quia nonnulli sunt alacres et jucundi, et in purgatione forte excederent, dando super annum aut femora bejanorum .., et ut infinitas sit vitanda, quod feratur sententia per dominum promotorem, quod quilibet det dicto bejano tres ictus aut minus, et non ultra, reservata misericordia domini rectoris ad preces nobilium mulierum sive honestarum, si ibidem reperiantur; et lata sententia, dominus promotor intimet sententiam domino rectori, et an demandabitur executioni, offerendo sibi sartaginem [a frying-pan], qua primo percutiet, si sibi videatur; et quod procedatur honeste' (Fournier, *Statuts des Univ. Franç.*, II. No. 1582). As to the meaning of 'quilibet,' it is not clear whether this means every student present or the Rector, Promotor, and three students who were to be appointed to assist them in the purgation. Dr. Chavernac (*Hist. d'Aix*, p. 108) mentions the interesting fact that the word *bec-jaunes* (corrupted into 'pigeons') was used in his youth among the students of Aix, and that he has heard peasants in the Basses-Alpes say 'vous payerez le béjaune.' The junior class in some of the Scotch Universities was called the 'Bajan class' till very recently.

[2] 'Anno quo supra (1476–7) condemnatus fuit in crastino Innocentum capellanus abbas Beannorum ad octo solidos parisienses exponendos in vino eo quod non expleuisset officium suum die Innocentum post prandium in mundatione Beannorum

CH. XIV. and in England.

similar customs are found in other Parisian Colleges[1]. As to the form which the bullying of freshmen assumed at the English Universities we are entirely in the dark, unless we may draw inferences from the 'tucking' and compulsory speech-making under pain of salt and water which lingered on, at Merton and elsewhere, to the end of the seventeenth century[2].

Academical Dress and Clerical Status.

Undergraduate's dress clerical rather than academical.

A treatise on medieval Universities must needs give some account of the origin of those academical costumes which do more perhaps to impress the imagination with a sense of the medieval origin of University institutions than is

per aspersionem aque ut moris est quanquam sollemniter recepisset exercere suum officium ante prandium in ducendo beannos per vicum super asinum' (f. 73).

[1] Some idea of the universality of these customs may be gained from the fact that they had invaded the cloisters of the austere Cistercians. The Statutes of the Cistercian College at Paris, drawn up in 1493, forbid 'omnes receptiones noviter venientium, quos voluntaria opinione *Bejanos* nuncupare solent, cum suis consequentiis, necnon bajulationes, fibrationes, reliquasque omnes insolentias et levitates circa quoscumque noviter venientes, tam in capitulo, in dormitorio, in parvis scholis, in jardinis quam ubi ubi, et tam de die quam de nocte... fieri prohibemus... abbatis *Bejanorum* nomen penitus delendo, ac deinceps nominari prohibendo.' The 'vasa, munimenta et instrumenta' used in these 'levitates' are to be surrendered (Félibien, *Hist. de Paris*, T. III. p. 170). The interpretation of this Statute must be left to the reader's imagination, aided by the evidence as to Avignon and Aix. 'Bajulationes' and 'fibrationes' would seem to denote some form of personal violence; but Ducange does not help us.

[2] At Merton the freshmen on certain evenings before Christmas had to 'speake some pretty apothegme, or make a jest or bull, or speake some eloquent nonsense' under pain of 'tucking' (i. e. cutting open the chin with the thumb-nail), and on Shrove Tuesday had to make a speech which was rewarded by 'cawdle,' or salted drink, or a mixture of the two (with more 'tucking' if necessary), according to its quality. These customs did not survive the Commonwealth. See the *Life and Times of Anthony Wood* (ed. Clark, Oxf. Hist. Soc. 1891), I. pp. 133–4, 138–9. At Exeter a similar custom was stopped by a rising of freshmen headed by the great Whig statesman, Anthony Ashley, afterwards first Earl of Shaftesbury. Christie, *Life of Shaftesbury*, London, 1871, I. pp. 17, 18. At S. Andrews a custom lingers by which the freshman has the right to demand a packet of raisins from any freshman he meets who has not previously paid this due. This is a clear relic of the *bejaunia*.

perhaps warranted by their real antiquity. It can hardly, CH. XIV.
indeed, be said that in the Middle Ages there was, for the undergraduate, anything which can properly be called academical dress at all. In the Italian Universities the Statutes contemplate that students will wear the long black garment known as a 'cappa,' but aim rather at limiting the cost than at prescribing the form of his costume[1]. In the Parisian Universities every student was supposed to be a clerk, and was required by custom or Statute to wear the tonsure and the clerical habit[2]. We find Statutes in abundance against various forms of 'indecent,' 'unhonest,' 'dissolute,' or merely 'secular' apparel—such as 'trunk-hose,' puffed sleeves, pointed shoes, red or green boots, and the like. At Heidelberg it was even thought necessary to

[1] At Vienna in 1456 'desiderabant Consiliarii Regii, quatenus studentes aliquo signo notarentur, ut statuto more studentium in Italia ab aliis differrent non studentibus' (*Conspectus Hist. Univ. Vienn.* I. p. 178). Was it just because the Italian student was not bound by Master-made Statutes that he did not object to academical dress?

[2] In the list of Proctorial duties in *Mun. Acad. Oxon.* p. 110, we find a clause, 'Contra non habentes habitum et tonsuram decentes.' So at Prague (*Mon. Univ. Prag.* p. 50) the B.A. was required to swear 'quod portabit habitum et tonsuram clericales.' In England we never find the clericality of a University student questioned. In some of the German Universities it appears to have been possible to dispute his clerical immunities if he did not dress and shave clerically. Thus, at Leipsic, a scholar of Law, who had thrown a stone at a Master of Arts while the latter was looking out of window, objected to the jurisdiction of the Official of Merseburg on the ground that plaintiff 'non clericus sed laicus existat, quod ad oculum demonstro per eius barbe delacionem,' which should be accepted till he proves 'se clericum ordinatum quod nondum credo.' It seems to be implied in what follows that a student on matriculation could claim to be a clerk or not, as he pleased (*Urkundenbuch*, ed. Stübel, p. 77). This was in 1445. A year later, significantly enough, there appears a decree 'quod nullus doctor, magister aut scolaris, in clericatu existens, barbam nutrire præsumat' (Zarncke, *Statutenbücher d. Univ. Leip.* p. 15). In 1496 (*ib.* p. 19) we find 'uxorati' exempted from some of the provisions as to dress, showing clearly that the original idea of academical dress was simply based on the fact that students were clerks. In Italy there is no trace of any scholars being treated as clerks except those regularly admitted by the Bishop. Thus at Padua the Bishop 'Vitalianum ... scolarem ... ordinavit in clericum' (Gloria, *Mon.* 1318-1405, T. II. p. 28). So 'promovit ad primam tonsuram clericalem Petrum ... scolarem' (*ib.* p. 33).

CH. XIV.

forbid students from going out without boots 'unless clad in a garment reaching to the heels[1].' But the shape and pattern of these garments would appear to have varied a good deal according to the vanities of individual taste or changing fashion. No particular form of garment was prescribed by University authority: the undergraduate's dress was in no sense an official costume. The differentia of clerical dress was apparently supposed to lie in the outer garment being of a certain length and closed in front. But it was only in the latter part of our period that it was expected to reach to the heels, or at least well below the knee: and the restriction to black is not common[2] till even later. In the Colleges only parti-coloured garments were regarded as secular: it was usual for graduate and undergraduate alike to wear a 'livery,' i.e. clothes of the usual clerical shape but of uniform colour and material; just as the boys of Christ's Hospital wear a uniform dress of a particular colour, which is, however, in its general shape, merely the ordinary dress of the sixteenth-century schoolboy. The Christ's Hospitallers with their long coats and bands (which are of course merely a clerical collar) are a survival from a time when all students were supposed to be clerks. So at the College of Navarre the livery was to be of black[3]; at the College of Beauvais, 'blue or

[1] 'Ita quod de cetero nullus incedat publice in via discaligatus, nisi inductus [i.e. indutus] fuerit veste talari, qua corpus suum decenter sit coopertum, sub pena vnius floreni' (Hautz, *Gesch. d. Univ. Heid.* II. p. 398). At Cologne, the Artist (unless a servitor) 'utatur honesta veste talari aut indecenter non accurtata, toga videlicet aut tabhardo plicas non ligatas habente, et capucio honesto cum corneta in plateis aut aliis locis extra bursam' (A. D. 1457) (Bianco, I. Anl. p. 74; cf. p. 51). So at Leipsic, in 1537, it is ordered 'quod nullus scholasticorum in collegio vel iuxta collegium scurriliter incedat, puta in diploide et tibialibus duntaxat, sine tunicella, in dedecus collegii et scandalum virginum et mulierum honestarum necnon ceterorum hominum intrantium et exeuntium collegium, sub pœna quinque grossorum' (Zarncke, *Statutenbücher*, p. 240).

[2] It is found at Rostock, where the scholar 'incedere debet cum toga pro veste exteriori panni nigri ... undique clausa talari vel quasi,' but coloured hoods are allowed (Westphalen, *Diplomatarium*, IV. c. 1031). Cf. above, vol. I. p. 196 *sq.*

[3] 'Tabardas vel houssias de bruneta nigra' (Bulaeus, IV. 92). As the

violet[1].' The colour of the liveries in our English Colleges is seldom prescribed by Statute, though the Queen's men at Oxford were required to wear blood-red, but differences of colour and ornament as badges of different Colleges still survive in the undergraduate gowns of Cambridge.

The magisterial *cappa.*

A distinctively academical or official garment was at first confined to Masters. This garment was not the modern gown or *toga*, but the *cappa* or cope, with a border and hood of minever. The word *cappa* was indeed used to denote merely the ordinary full-dress outer garment worn by the secular clergy out of doors[2], and it is difficult to say how far the early statutes on the subject do more than insist on Masters appearing at all public functions in the full dress of the order to which they belonged. It is impossible to trace the stages by which the magisterial *cappa* acquired a more or less peculiar and distinctive aspect. Its use—at least its compulsory use—was confined to Regents and sometimes to 'ordinary' lectures and other full-dress functions. A particular form of it—the sleeved cappa—came to be the distinctive dress of Bachelors[3].

Statutes of Orleans allowed this garment to be worn in riding (Fournier, I. No. 26), it may be presumed that it was shorter than the *cappa.*

[1] Félibien, I. p. 669.

[2] See *Materials for Hist. of Th. Becket*, ed. Robertson, VI. p. 604; Labbe; *Concilia* (Ven. 1784). T. XXVI. f. 431. So in 1248 we hear (*Reg. d'Inn. IV*, ed. Berger, No. 4123) that 'Judæi diœcesis Magalonensis et circumpositorum locorum, non sine ordinis clericalis injuria capas rotundas et largas more clericorum et sacerdotium deferre præsumant, propter quod sæpe contingit ut a peregrinis et advenis eis tanquam sacerdotibus honor et reverentia præstentur.' The external resemblance between a Jew and a Doctor of Divinity was still a joke in the days of the *Epistolæ Obscurorum Virorum* (ed. Münch, Leipzig, 1827, p. 84). The cappa of the Oxford M.A. disappeared about the beginning of the sixteenth century, when we find the Regents granting themselves wholesale dispensations from its use. The Statutes of many Universities allowed a 'tabard' to be worn at Extraordinary Lectures, or a 'cappa rugata' or 'cappa manicata.' The 'epitogium,' or at least an 'epitogium longum,' appears to have differed slightly from the 'cappa,' but was generally allowed as an alternative to it. At other times, however, it is treated as synonymous with or equivalent to the 'Tabarda.' Another form of the 'Cappa' is styled 'Pallium.'

[3] Bulæus, IV. p. 258: *Chartul.* T.

CH. XIV. But though the strictness with which the use of the *cappa* is insisted on varies in different Universities, Colleges, and periods, it was, at Paris at least, quite open to an undergraduate to wear a *cappa* if he pleased[1]. At first this garment appears to have been black in the case of all Faculties. But at some time between the middle of the thirteenth[2] and the middle of the fourteenth century a brighter hue was adopted by Doctors of the Superior Faculties, usually some shade of red or purple. At Paris the Rectors wore violet or purple, the Masters scarlet, with Hoods. tippets and hoods of fur[3]. The hood was not originally restricted to Masters, being part of the ordinary clerical

II. No. 1024, where it is also enforced on scholars at Disputations. The Statutes of Navarre provide that 'illi qui determinaverint, cappam habeant de perso vel alio uno et eodem colore honesto' (Launoi, I. p. 32). In the same house the Theologians 'tabaldas seu houssias longas habeant cujuscunque coloris voluerint, honesti tamen et unius coloris et ejusdem; et Baccalarii cappas rotundas ejusdem coloris' (*ib.* p. 35). From Bulæus, IV. p. 280, it appears that the 'cappæ' of Determiners were 'manicatæ' (with sleeves). At King's Hall, Cambridge, the undergraduate is required to wear 'robam talarem,' the B.A. 'robam cum Tabardo gradui suo competentem' (Rymer, *Fœdera*, III. (1740), pt. iii. p. 94).

[1] Thus the ascetic reformer of the College of Montaigu, Jean Standonc, as late as 1501, orders that scholars of all degrees shall be provided 'de chlamyde seu pallio ante clauso, instar clamydum seu capparum quibus in vico straminis magistri artium figurato utuntur . . . item de capitio seu camaldo,' &c. The Theologian's 'cappa' is to be black, the Artist's 'de panno griseo ad nigrum magis tendente' (Félibien, V. p. 730). So at earlier Colleges. Cf. *l. c.* III. pp. 376, 382; V. p. 641. A scholar (? of the thirteenth century) inveighs against rich men who turn their *cappæ* instead of giving them to poor scholars (*Carmina Burana*, ed. Schmeller, p. 75). Cf. the Statutes of Toulouse in 1304, where secular students, especially Bachelors, are admonished, 'ut manticis longis vel cappis manicatis utuntur, prout in honorabili Parisiensi studio . . . observatur' (Devic and Vaissette, *Hist. Gen. de Languedoc*, VII. p. 545).

[2] Some say after the adoption of scarlet by Cardinals during the Pontificate of Innocent IV. Dubarle (I. 143) ascribes it to Benedict XII.

[3] At Paris (as at Oxford) the Doctors of all Superior Faculties wore red; Bulæus, I. p. 388. The Rector wore purple with a cap, and apparently stockings, of the same colour. *Ib.* I. p. 227. Richer, describing the robes of his own day, says (*MS. Hist.* f. 128 *b*) 'quattuor Procuratores Nationum purpurea induti, Doctores in Medicina et in Decretis capa purpurea ornati, Doctores quoque in Theologia cum capis et caputio pelliculis ornato.' 'Habits rouges' (*rubeæ*) are often mentioned as characteristic of Doctors of Canon Law. At

dress of the period, and was not even exclusively clerical. It is only the material of the hood which was characteristic of degree or office. The use of minever hoods—still worn by the Oxford Proctors—was generally confined to Masters, except in the case of nobles and well-beneficed ecclesiastics. Bachelors of all Faculties wore hoods of lamb's wool or rabbit's fur[1]. Silk hoods came in, perhaps towards the end of the fourteenth century, as a summer alternative for Masters, whose winter fur hoods were something more than an honorary appendage in the unwarmed Schools and Churches of medieval times[2]. The biretta[3], a square cap with a tuft on the top (in lieu of the very modern tassel), was the distinctive badge of the Mastership[4]: Doctors of

Biretta or pileum.

Salamanca, in Rangeand's time, the latter appeared 'en habits rouges et verts,' the Doctors of Theology in white, and the Medical Doctors in 'habit de couleur pâle' (*Hist. de l'Un. d'Angers*, II. p. 341). In England, however, scarlet was certainly worn by D.D.'s. The M.D. of Caen (where Paris customs prevailed) was to appear 'in capa rotunda ... de bruneta violetta et similiter in pileo illius coloris' (Fournier, III. No. 1652).

[1] At Oxford, Doctors of Divinity also wore lamb's wool instead of minever. *Mun. Acad.* p. 393.

[2] *Mun. Acad.* pp. 283, 301: *Chartul. Univ. Paris*, T. II. App. p. 696. In 1444, Benedictine Licentiates or Bachelors of Divinity or Decrees wear 'caputia capparum scholasticarum cum buggio furrata... siue cum sindone nigro linita' (Reyner, *Apost. Benedictorum*, App. Pt. iii. p. 136). B.D.'s still wear black silk hoods. At Oxford, undergraduates lost their hoods altogether in 1489, 'nisi liripipium consuetum... et non contextum,' presumably the little black stuff hood worn by 'Sophisters' in the Schools till within living memory. Cf. *Cambridge Documents*, I p. 402.

[3] In general the term 'biretta' seems to be used where the cap was square, 'pileum' when round. Gascoigne, in his Theological Dictionary (ap. Bulæum, II. p. 257), tells us that at Oxford the round cap was worn by Doctors in all the Superior Faculties: he declares that this ornament was bestowed by God himself on the Doctors of the Mosaic Law. Later, the round velvet cap with coloured silk ribbon was worn by Doctors of Law and Medicine only, by whom it is occasionally still worn on state occasions at Oxford, and more frequently at Cambridge. So at Caen: 'angulo carens in signum carentie sordium, quia ubi angulus, ibi sordes esse dicuntur' (Fournier, III. No. 1718). A less gorgeous round cap is worn by the Oxford Bedels.

[4] The undergraduate seems from an early period to have coveted this distinction. Cf. Prantl, *Ingolstadt*, II. p. 113. Lodge's print of Oxford costumes (end of seventeenth century) shows the B.A. and the foundation-scholar wearing the square cap but without the tuft,

CH. XIV.

superior Faculties wore birettas or other caps of red or violet[1]. In the Faculties of Law and Medicine the place of the biretta was usually taken by a 'pileum[2]' more or less resembling the round caps still worn on state occasions by Oxford and Cambridge Doctors in those Faculties, and at Oxford also by the Bedels. It is only in post-medieval times that the biretta, first without, then with the sacred 'apex,' has been usurped first by Bachelors, then by undergraduates, and now (outside the Universities) even by mere choristers or schoolboys.

The Tabard.

When the *cappa* was not required, Master and scholar alike wore clerical garments of a less formal character, described by a great variety of names, of which the commonest is 'tabard.' Cursory lectures, for instance, might be delivered in this garment. Some Statutes forbid the assumption of a girdle round the waist by simple students;

Cincture.

by others it is prescribed and the removal of the girdle at graduation is treated as symbolic of emancipation from the

other undergraduates and graduates in Law and Medicine wearing round caps. At a later period, the tasselless cap was worn only by Servitors and Bible-clerks. It is still worn by the choir-boys of Oxford Colleges. At Paris students of Theology in the Cistercian College were in 1335 allowed to wear 'nigra bireta,' though formerly worn only by Bachelors. Félibien, III. p. 175.

[1] Launoi, *Hist. Gymn. Nav.* I. pp. 199, 200. At Perpignan white is the distinctive colour of Theology, green of Canon Law, sanguine of Medicine, and 'livid' of Arts. Fournier, II. No. 1517. Cf. *Chartul.* T. III. No. 1708.

[2] So Bulæus, *Remarques sur la dign. du R.* p. 24. The hood of the Rector and Proctors, but not the tippets, had disappeared in Du Boullai's day, though still worn by 'les adjoints des dits Procureurs' (*ib.* p. 25). It is curious that everywhere else throughout Europe, hoods have disappeared and tippets remained: in England the hoods remain while the tippets have disappeared, though Cambridge hoods retain traces of them, and the Cambridge Proctors wear their hoods tippet-wise. A curious piece of Rectorial and Proctorial dress survives in a rudimentary form in the robes of Oxford Proctors and Pro-Proctors, i. e. the purse now reduced to a triangular bunch of stuff at the back of the shoulder. It is presumably a survival from the very earliest period, when Rector and Proctors were primarily collectors and expenders of common funds (see above, I. 313 *sq.* p. 313 *sq.*). At Paris, the Rector in Du Boullai's time and earlier the Proctors wore 'une grande bourse violette à sa ceinture' (*Remarques*, &c., p. 25). A purse is also mentioned among the insignia of the D.C.L. at Oxford. *Correspondence of Bekynton*, ed. Williams, 1872, I. 275.

status pupillaris. In some Universities it formed part of the distinctive costume of graduates in Law and Medicine.

Conservatism of dress at Cambridge.

Oxford has not been conservative in the matter of costume: in that, as in more important matters, the Laudian age did its best to obliterate the very remembrance of the medieval past. It is probable that no gown now worn in Oxford has much resemblance to its medieval ancestor. The Oxford scarlet Convocation habit worn by Doctors of Superior Faculties over their ordinary gown is still called a *cappa*, but it has not retained its ancient shape. If the antiquary wants to see a true medieval *cappa* he must go to Cambridge upon a degree-day. There he will find the presiding Vice-Chancellor and the Professors who present for degrees in the Superior Faculties arrayed in a garment which exactly resembles a fourteenth-century miniature of the Chancellor contained in the precious 'Chancellor's book' of Oxford. It is a sleeveless scarlet cloak lined with minever, with a tippet and hood of the same material fastened thereto[1]. The *toga* was originally, it would appear, simply an unofficial robe or cassock worn under the *cappa* — much the same as the tabard, but probably longer. Gradually it assumed the form of a distinctively academical dress, which, in the case of Masters of Arts, has entirely superseded their ancient black *cappa*[2]. The medieval toga was, however, originally by no means

[1] That this was the original form is clear from the question which, according to John of Salisbury, was often debated in the Schools of his day, viz. whether a man who buys a 'tota cappa' had bought the hood also (*Metalog.* I. cap. 3). Cf. the following passages in the *Dictionarius* of Johannes de Garlandia (ed. Scheler, *Lexog. lat. du XIIe et du XIIIe siècle*, p. 25): 'Quidam declamatores pelliciorum reparandorum discurrunt per plateas civitatis et reparant *furaturas epitogiorum et palliorum*, eorum partem furando.' A Statute of Heidelberg requires the M.A. to incept 'cappa nigra vario subducta vel ad minus in habitu novo vario vel serico subtracto' (Hautz, *Gesch. d. Univ. Heid.* II. p. 352). As to the difference between the *cappa* and the *pallium* (often prescribed as synonyms or alternatives), cf. *Carmina Burana* (ed. Schmeller, p. 75):

'Contra frigus hiemis
Pallium cappare,
Veris ad introitum
Cappam palliare.'

[2] So at Prague, a Statute of 1367, forbidding Masters to attend the acts of the Faculty 'absque tabardo vel habitu sui gradus' (*Mon. Univ. Prag.*

CH. XIV. distinguished by the sobriety of hue characteristic of modern clerical tailordom. In Oxford the prejudice ran in favour of green, blue, or blood-colour[1]. In the universal change to sombre black we may see a symbol of the way in which sixteenth-century austerity eclipsed the warmth and colour of medieval life.

Meaning of *clericus*.

'The philosophy of clothes' in its application to the medieval Universities is a less superficial matter than might at first sight appear. It throws much light upon the relation of the Universities to the Church—a question often debated with more zeal than knowledge by writers who imagine themselves to have some polemical interest in the issue. The misconceptions which prevail on the subject are due to an inadequate appreciation of the meaning attached to clericality in the Middle Ages. Even Savigny treats the term 'clericus,' when used of a medieval student, as a synonym for 'scholaris' without any distinctive meaning[2]. The Bishop of Oxford, on the other hand—if I may venture to criticise so learned a medievalist—seems to assume that every *clericus* was necessarily in minor orders[3]. The fact is that clericality in the Middle

l. pt. i. p. 9), makes no mention of the *cappa*, though still worn by Doctors and Bachelors of Theology (*ib.* p. 99).

[1] See the numerous wills proved in the Chancellor's Court at Oxford (*Mun. Acad.* 505–727), which clearly show the distinction between the *cappa* and the *toga*. The first was an academical or at least a clerical garment, the latter was worn also by citizens.

[2] Savigny, cap. xxi. § 72. He adds that the right of carrying arms conferred by the Statutes does not suit the ecclesiastical state: but the Chancellor of Oxford, who was often a Priest, enjoyed a similar right, which was a necessary protection in the discharge of his duties. *Mun. Acad.* p. 355.

[3] In the *Report of Ecclesiastical Courts Commission* (London, 1883, Historical Appendix, p. 26), Bp Stubbs remarks 'That the functions of an ecclesiastical judge should be exercised only by persons qualified by the possession of Holy Orders, seems to have been a principle so universally admitted as to require no general enactment.' In support of his contention, he quotes prohibitions of *laymen* exercising such offices. It is probable that most ecclesiastical judges had received minor orders (which are not *holy* orders) or at least the tonsure from a Bishop; but graduates in Canon Law seem often to have acted as ecclesiastical judges—at least in Oxford—though only *clerici* in the same sense as other scholars.

Ages, though it did not necessarily imply even the lowest grade of minor orders, did imply a great deal. The adoption of the clerical tonsure and dress conferred, so long as the wearer continued celibate, the immunities and privileges of the clerical order—exemption from the secular courts, personal inviolability and the like—in as ample a measure as they could be enjoyed by the Bishop or the Priest. The singers and servers of Churches—predecessors of our modern 'Parish Clerks' and Cathedral 'Lay Clerks'—the judges and practitioners of the ecclesiastical Courts, at one time many of the secular judges[1] and lawyers, as well as a host of 'clerks' in the service of the Crown or the great nobles, belonged to this class. The lowest of the people often took the clerical tonsure simply in order to get 'benefit of clergy': to become a 'clerk' was in fact at one time equivalent to taking a licence to commit murder or outrage with comparative impunity. The relation between clerkship and the minor orders is, however, an obscure subject. According to the Canon Law the conferment of the tonsure is quite a distinct act from the admission to the order of 'Ostiarius': but the ceremony has to be performed by the Bishop or some specially privileged dignitary. It would be difficult to say what proportion of the medieval 'clerks' were actually in minor orders. As a rule it would appear from the episcopal registers that the tonsure was conferred at the same time as the lowest grade of minor orders—that of Ostiarius. But there is no evidence that the students of Oxford or Paris had as a rule received either the clerical tonsure or the order of Ostiarius from a Bishop, and yet they are always regarded as clerks[2]. Had any formal ceremony been considered essential to clericality, it is one which would be certain to be sometimes neglected, and we should find attempts to enforce

[1] An early Commission of Assize is always addressed to a certain number of *clerici* and a certain number of *milites*.

[2] I am informed that the tonsure is still sometimes conferred on Seminarists of the Roman Church without any ceremony, but in that case it is not technically considered the *tonsura clericalis*.

CH. XIV.

its observance: but there is no trace of any such attempts[1]. It would appear therefore that nobody but the barber officiated at the ceremony[2], though no doubt the tonsure had to be formally made over again by the Bishop before ordination. Large numbers both of graduate and undergraduate scholars were of course either in holy or in minor orders; but, if they took orders, it was in order to hold a benefice, not to qualify themselves for any University office or position. Only in the Faculty of Theology were holy orders—in some Universities Priest's orders—required for the Doctorate. Orders were not required for even the highest University offices—such as the Chancellorship at Oxford; or in the case of the earliest Colleges, either for a Headship or a Fellowship. The gradual increase—at least in the English Universities—of Fellowships which required holy orders, was due mainly to two causes. In the first place the Colleges were mostly designed for Theologians, who had to take holy orders at that stage of their career at which it became necessary for them to preach; and secondly, it was a subsidiary object of most College-founders to get masses said for their souls, and

Orders only required in Theological Faculties.

[1] The only exception I have met with is at the Lombard College in Paris, where a Statute provides 'Quod predicti domus scholares sint et esse debeant clerici de Italia et de legitimo matrimonio nati, et quod illi qui ad presens clerici non existunt, promittent et facient se insigniri caractere clericali infra festum nativitatis beati Johannis-Baptistæ proxime venturum' (Félibien, III. p. 428). Here it is evident that a formal tonsuring by the Bishop is meant. This was a regulation made by Italians for Italian scholars, and in Italy scholars were not treated as *clerici*, unless regularly admitted 'ad tonsuram clericalem' by the Bishop. Even at Paris we find an oath administered to Determiners 'habebitis coronam irreprehensibilem, si gaudeatis beneficio corone' (*Chartul. Univ. Paris.* T. II. App. p. 673). Still, the enjoyment of clerical privileges in the University never seems to be dependent upon regular admission to the tonsure, and that a University scholar might be not *canonically* 'tonsewryd,' at least in England, is proved by *Paston Letters*, ed. Gairdner, 1872, II. p. 239.

[2] A Canon of the Second Council of Nicæa (embodied in Dec. Grat. P. I. Dist. lxix. c. 1) begins: 'Quoniam uidemus multos sine manus impositione a paruula etate tonsuram clerici accipientes, nondumque ab episcopo manus inpositione percepta super ambonem irregulariter in collecta legentes.' The irregularity would seem to have lingered in Northern Europe.

a Priest alone could say masses. In Germany and Spain the tendency to make University and College offices clerical, in the modern sense of the word, was promoted by the practice of endowing Professorships with prebendal stalls.

Celibacy of Regents.

In the University of the Northern type the teacher, like the learner, though not necessarily ordained, was an ecclesiastic. But the only serious obligation which his ecclesiastical status imposed upon him was celibacy[1]. If a Master married, he lost his Regency[2]. It was not till the Reform of Estouteville in 1454 that this regulation was modified at Paris even in the case of the least ecclesiastical of the Faculties—that of Medicine[3]. As to the marriage of the scholar, the case is not quite clear; it is possible that he would at one time have lost the privileges of 'scholarity,' just as an ordinary *clericus* in strict law lost his benefit of clergy; but in fifteenth-century Oxford we find married scholars not unknown[4]. As he would be certainly in-

[1] The tonsured clerk, though allowed to marry, lost the privileges of a *clericus*, and was exonerated from the duty of wearing the tonsure and *habitus clericalis*. Decretal. Greg. IX. Lib. III. Tit. iii. cap. 7, 8, 9. But there was much inconsistency both of theory and practice on this subject.

[2] He could, of course, retain it (just as he could become a priest or monk) by divorcing his wife. Jourdain, *Index*, No. 301; *Chartul. Univ. Paris.* T. II. No. 565.

[3] Bulæus, IV. pp. 894–5. Before being admitted 'ad lecturam suorum cursuum,' i. e. to M.B., the student was required to swear that he was not married. In 1395 it was decided that a Licentiate who had married after taking his M.B. might be formally licensed though he might not continue his Regency afterwards. Jourdain, *Index*, No. 928. Priests, it will be remembered, could not study Medicine without a dispensation. In the South-German Universities, married graduates and undergraduates are occasionally contemplated. Cf. Kosegarten, *Greifswald*, II. p. 36. The often-cited case of the early German—not (as sometimes stated) Parisian—Doctor, Manegald, whose wife and daughters were also teachers, is not to the point, since it appears that they were 'religione florentes' (Ricardus Pictaviensis ap. Martène, *Ampl. Coll.* V. c. 1169), i. e. nuns. Of course, a married man could be a Master when his wife had become a nun.

[4] In 1459, an Indenture between Town and Gown at Oxford has a proviso 'that if eny clerk or Scoler, havyng a wyf and houshold within the precinct of the Universite, or eny Scolers servant, sell eny opyn merchandise . . . as touching such merchandising, they be tailliable,' &c. *Mun. Acad.* p. 347.

CH. XIV.

capacitated for taking a degree, it is clear that the married undergraduate would be at most an exceptional anomaly. The prohibition of marriage in College Fellows—whether express or implied—was not due to any desire to make the Colleges 'monastic,' but was simply a part of the already established system of the Universities in which they were situated.

Charivari.

In the less ecclesiastical Universities of Southern Europe there was, as we have seen, no objection to the marriage of either Doctor or student. At the University of Aix a resident Doctor or student who married was required to pay 'charivari' to the University, the amount varying with the degree or status of the man, and being increased if the bride was a widow. Refusal to submit to this statutable extortion was punished by the assemblage of students at the summons of the Rector 'with frying-pans, bassoons, and horns' at the house of the newly married couple[1]. Continued recusancy was followed by the piling up of dirt in front of their door upon every Feast-day. The Statute concludes by justifying these injunctions on the ground that the money extorted was devoted to 'divine service[2].' In the Colleges, even in Italy, celibacy was required because it was the education of ecclesiastics that the pious Founders usually wished to promote.

Lectures.

Hours of lecture.

We must now endeavour to picture to ourselves the way in which the average student passed his time. The records at our disposal are seldom sufficient to enable us to say exactly how many hours a day were usually or necessarily spent in study. I shall not therefore attempt to reproduce in detail a day in a medieval University. It seems to have

[1] I am informed by a clergyman in a poor district of S.E. London that his parishioners are in the habit of going to other parishes to be married by stealth, to avoid similar demonstrations, which cannot now (it appears) be averted by the payment of 'charivari.'

[2] Fournier, *Statuts des Univ. Franç.*, III. No. 158a.

been usual to attend as a *maximum* three lectures a day[1], but it is hardly possible to say how long they lasted. Besides this there were 'Exercitia' or disputations[2] of various kinds, and 'Resumpciones'[3], which seem to have been informal and catechetical classes of small numbers, at which scholars were examined upon the subject of their lectures by the Lecturer himself or some other Master or Bachelor. In the latter part of our period the scene of

[1] At Heidelberg, we find a Statute 'Ut scolares magis disciplinari valeant, ordinavit facultas (Artium), quod quilibet scolaris in posterum promovendus ad maius audiat tres lectiones in die cum diligencia' (Hautz, *Gesch. d. Univ. Heid.* II. p. 347). At Leipsic (in 1410) a scholar is only allowed to hear 'duas leccionc in die de libris ad gradus;' no third lecture being counted 'nisi Priscianum breviorem et loyicam Hesbri' (Zarncke, *Statutenbücher*, p. 310). At Greifswald the student was to attend two or three lectures and two 'exercitia' a day. Kosegarten, II. pp. 308, 310.

[2] For the use of 'Exercitium' and 'Disputacio' as synonyms, see Zarncke, *Statutenbücher d. Univ. Leipsig*, p. 394; Kosegarten, *Greifswald*, II. pp. 219, 301, 302, 310. In some Universities it seems to have been usual to have disputations in the subject-matter of each book lectured on, as at Ingolstadt, where the Lecturer on each book was to take the 'Exercitium eidem annexum' (Prantl, II. 50). Perhaps in these cases the 'Exercitium' was less sharply distinguished from the 'Resumpcio.'

[3] In a Statute of Leipsic in 1483 occurs the best explanation of the *Resumpcio* which I have been able to find: 'Item placuit, quod omnes resumpciones publice, a quibuscunque fiant, debent fieri de licentia decani et seniorum et per modum examinis, ita quod scolares diligenter examinentur et audiantur, ut eorum ignorancie succurratur. Si autem resumens voluerit aliquid pronuncciare, ut a scolaribus materia habeatur, faciat hoc uno die, sequenti vero reexaminando, sub pœna privacionis pastus eiusdem resumpcionis,' &c. (Zarncke, *l. c.* pp. 394–5). Four Masters were annually appointed to conduct such 'Resumpciones' (*ib.* 458–9). At Ingolstadt, a little later (1473), none are to resume to more than 12 scholars or 8 B.A.s (Prantl, II. p. 50). The Resumption was held twice a day for scholars, and once a day for Bachelors (*ib.* II. p. 74). Elsewhere the Resumpcio is explained as a 'summary examination' of the matter of a previous disputation. The Resumpcio is no doubt much the same as the Repetitio of Bologna, a term used at Cambridge; at King's College, 'Quotidie fiat repeticio lectionis præcedentis ante lecturam novæ lectionis' (Doc. ap. Rogers, *Hist. of Agriculture and Prices*, III., Oxford, 1882, p. 741). In the old *Statuta Aularia* (f. 4) of Oxford it is provided 'quod lecturam matutinam in aula et post meridianam *recitacionem* eiusdem quilibet in facultate sua diligenter et attente obseruet.' This *resumptio* by the scholars themselves is no doubt the original form of the institution (see above, I. p. 497), which at Oxford was not so early superseded by magisterial superintendence as elsewhere.

CH. XIV. these less formal observances seems to have been the College or Hall rather than the public Schools; and there is a tendency to increase the number and the compulsoriness of these more private lessons[1]. No doubt the growth of these supplementary College lectures was connected partly as cause and partly as effect with the improvement in discipline which has already been noticed. The history of the medieval Universities, regarded on their higher intellectual side, is in the main a history of decline and decay. In the Universities of the fifteenth century the intellectual ferment of the days of Aquinas was no more: the intellectual life which always attends the discovery of new knowledge had passed away. But it is not clear that for the average student the fifteenth-century University was not a better place of education than the University of the thirteenth. The lectures may have been better worth hearing in the public Schools of thirteenth-century Paris: but —so far as the scantiness of the earlier records enables us to judge—the average student was compelled to do more work and given more assistance in the Halls and Colleges of the later Middle Age than he was in the days when the Friars and the Seculars were contending for the control of European education. It is no unfamiliar experience to find that what is the best education for the exceptional man is the worst possible education for the rank and file. In particular, as has already been incidentally noticed, that improvement in grammatical education and Latin writing which was quite independent of the Italian influence, but which to a large extent prepared the way for the reception of Renaissance ideas in Northern Europe, may be distinctly traced to the improved educational methods of the Parisian and Oxonian Colleges[2]. How well recognized this improvement and its cause were at the time may be inferred from the fact that in the course of the fifteenth century it was proposed to reform the

[1] See e. g. Félibien, V. p. 669.

[2] Thus at Leipsic, in 1499, the *Resumpcio* included instruction in Latin verse-making and Prose ('modum epistolandi'). Zarncke, *Statutenbücher*, pp. 458–9.

University of Lisbon by establishing in it 'Colleges on the model of those of Oxford and Paris[1]' with the express purpose of correcting the prevailing 'ignorance of Latin.' CH. XIV.

Divine Service.

In earlier times, as has been already said, it appears quite plain that the average student did not attend Mass or any other religious service before going to lecture. It is recorded as a piece of extraordinary piety in canonized Saints that they were in the habit of hearing Mass at an early hour[2]. Among scholars, as in the community generally, church-going seems to have increased in the later Middle Age. At Vienna we hear that a bell rang for the whole hour between five and six to rouse those who wanted to hear Mass before their day's work began[3]. But attendance was not compulsory. Even in Colleges the earlier Statutes enjoin attendance at Church or Chapel only on Sundays, Holidays, and Vigils[4]. At Oxford the Statutes of New College are the first which require a daily attendance at Mass; but towards the end of the fifteenth century we find that daily Mass was enforced even on the students in the unendowed Halls[5]. Such attendance was Mass not compulsory.

[1] 'Collegios a exemplo dos de Oxonia e Paris' (Braga, *Hist. d. Univ. de Coimbra*, I. p. 143).

[2] The University of Oxford, in asking for the canonization of Edmund Rich, expressly says that he attended Mass before lecture, 'supra morem tunc legentium' (*Collectanea*, II. p. 188). Cf. the case of S. Thomas of Cantilupe in *A. SS.* Oct. T. I. p. 545.

[3] Kink (*Gesch. d. K. Univ. zu Wien*, I. Pt. i. p. 37) cites the account of John Hindernbach, a student of Vienna (B.A. in 1437): 'Ante diem vero in ipso diluculo sub pulsu Primarum mos est, campanellam per horam ante diem compulsare, quo se studentes ad missarum solemnia præparent.'

[4] At Nantes, as late as 1461, the Pædagogus is only to take his scholars to Mass 'ante jentaculum' on Sundays and Festivals. Fournier, III. No. 1595.

[5] Goulet, *Compendium*, f. viii. *b*; Oxford old *Stat. Aularia*, f. 1. By the Statutes of S. Nicolas de Lipara at Paris, the scholars are required 'interesse qualibet nocte Matutinis' (Bulæus, IV. p. 140): but such a provision is exceptional. The requirement of Confession four times a year is rare. Félibien, III. p. 510. They are sometimes required to attend University sermons. A Statute of the Coll. des Cholets in 1415 requires Mass to be said at 7 a.m.: 'itaque pro missis audiendis discurrendi occasio bursariis amputabitur' (Jourdain, p. 235).

CH. XIV. not, however, necessarily before morning lecture. Lectures began at about 6 a.m., though in some Universities and Colleges the hour of the first lecture or Mass is as early as 5 a.m.[1] in the summer, and as late as 7 in winter[2]. In practice it is probable that the time varied with the season, though they often began in the dark without artificial light. Medieval lectures often lasted much more than the conventional hour of a softer age: in some cases the prescribed period for the first morning's lecture is no less than three hours[3].

Meals.

Breakfast a luxury.

Mr. Anstey, the Editor of the *Munimenta Academica*, finding no record of any meal before dinner, confidently assumed that breakfast must have taken place not later than 7 a.m.[4]. It is natural that an Oxford Tutor should find it impossible to believe in the non-existence of that all-important meal of modern Oxford. But the Empiricist might well point to Mr. Anstey's incredulity as an apt illustration of his doctrine that inconceivability is no test of truth. It is abundantly evident that, so far as regular meals or College allowances are concerned, no provision was

[1] So at Leipsic (*Statutenbücher*, p. 338), and Toulouse (Fournier, I. No. 691). A Statute of a Paris College (undated) requires students to rise at 5, go to Chapel, and attend lectures at 6 a.m. Félibien, V. p. 517. Cf. Péries, *La Fac. de Droit*, p 109, where a Law lecture begins at 5. A Paris Statute of the fourteenth century complains that Masters go to the Schools at the hour of second mass, 'quo tempore suas lectiones secundum antiquam consuetudinem merito pro majori parte deberent finiuisse. Unde ipsis magistris eo quod lectiones suas in sacra pagina audire nequeant generatur præjudicium, scholaribus eo quod aptiorem partem diei somno deducunt in damnum' (Bulæus, IV. p. 412).

[2] At Padua, lectures begin 'in crepusculo' (*Stat. Jur. Patav.* f. 76 *a*). So at Cologne, 'Disputatio ordinaria incipiatur in tribus quartalibus anni ante hyemem hora sexta, et in hyeme hora septima' (1392). Bianco, I. Anl. p. 62. Cf. Kosegarten, *Greifswald*, II. p. 302. But as these passages refer to disputations, lectures may have begun earlier.

[3] E.g. at Perpignan (Fournier, III. No. 1485, p. 667). This was in Law: in Arts a lecture would probably be much shorter to allow of a 'repetitio' immediately afterwards.

[4] *Mun. Acad.* p. lxxv. The passage which Mr. Anstey quotes to show that 'lectures began at 9 o'clock' refers to Determinations.

usually made for any food before dinner at 10 a.m.[1] The earliest College Statutes which contemplate anything of the kind treat it as an indulgence to weaker brethren: at one of them it is only to boys under twenty that bread and wine may be 'temperately ministered' in addition to the two regular meals[2]. Even in the fifteenth and sixteenth centuries, when the 'jentaculum' or early breakfast had passed into a regular institution, it was still regarded as an 'extra' which the hardier and more economical student would dispense with. The period from 6 to 10 was the most sacred time of the day for study and lectures. After dinner at 10 or (later) 11, followed perhaps by a post-prandial disputation, there was a short interval for exercise and relaxation, in so far as such indulgences were supposed to be necessary[3]. Lectures or disputations were resumed again

Dinner,

and after dinner.

[1] In the thirteenth century, when we hear nothing of 'jentacula,' dinner may have been earlier.

[2] A Statute of the College of Verdala at Toulouse, in 1337, after a prohibition of any allowance of victuals away from the common table, continues: 'Per hoc autem prohibere non intendimus quo minus pueris minoribus viginti annis pro victu proprio indigentibus panis et vinum extra comestionem communem temperate valeant ministrari' (Fournier, I. No. 593). So in the Statutes of the King's Hall at Cambridge in 1380 (Rymer, *Fœdera*, 1740, III. pt. iii. p. 94): 'Quantum vero ad Gentacula, dictis scolaribus ministranda, ordinatione Custodis et Senescallorum volumus observari.' At Queen's, Oxford (*Statutes*, p. 19), 'gentacula preciosa' are forbidden, which may indicate that some breakfast was usually taken. An allowance of bread and wine is permitted in the sixteenth-century Statutes of the College of Spain at Bologna. *Stat. Coll. Hisp.* f. xvi. So Standonc (*c.* 1500) allows a crust of bread by way of 'jentaculum' to the boys, but not to the Theologians. The old Oxford Aularian Statutes (f. 5) forbid access to the 'promptuarium' or kitchen 'causa prandendi, *jantandi*, cenandi, aut batellandi.' I may remark that 'battellare' originally meant to pay for something *extra* (like the Cambridge 'to size,' or 'sizings'); 'battels' are always distinguished from 'commons,' though the word is now applied to all College bills. (The Winchester Colleger's weekly pocket-money is still called 'battlings.') Even in the seventeenth century, breakfast consisted of a piece of bread and pewter of beer, consumed in the buttery or in the man's own room. It was thus the first meal that was taken in rooms. See Wordsworth, *Social Life at the English Universities in the Eighteenth Century*, Cambridge, 1874, p. 122 *sq.* Cf. also Erasmus, *Opp.* I. cc. 863, 865, 866 (references which I owe to Mr. P. S. Allen).

[3] Islip's Statutes for Canterbury College provide that 'cum post vesperas communiter scholares spatiari et aerem capere paulisper consueverant, volumus quod socii qui spa-

CH. XIV.

perhaps at 12 or 1, and the ideal student was no doubt supposed to study till supper-time at 5[1]. On Fast-days in some Colleges dinner was at 12 and supper disappeared. In many Colleges and Halls there was some kind of disputation (in Germany styled *Exercitium bursale*) in the evening[2]; but on the whole it would appear that the evening, or part of it, was usually in the main considered the time for whatever amusement medieval student-life allowed. Amusement was, however, a thing which the medieval ideal of student life hardly admitted at all: but the evening was certainly the time when the less industrious student took his amusement[3]. Even in the comparatively disciplined Halls of the fifteenth century, the boys roamed the streets freely till 8 or 9 o'clock; though by the end of this period life in some of the stricter Colleges had been reduced to a round of lectures and exercises which left little space for any recreation except what may have been supplied by the 'honest jokes' with which the Tutor is sometimes required to entertain the company after dinner and the half-hour's light disputation which followed it[4]. Wandering in the

Supper: evening work or amusement.

tiari volunt, adinvicem se conferant et ambulent, bini et bini de doctrina vel de honestis solatiis conferendo, et sic simul redeant tempestivi' (Wilkins, *Concilia*, III. p. 54). Walking alone was not merely unmonastic; it was considered undignified or 'bad form' for persons of the least consideration. We find Masters warned against it in a commentary on the *De Disciplina Scholarium*.

[1] At Greifswald, the regular hours for Lecture (for Jurists) appear to be 6 a.m., 9 a.m., 4 p.m., not including the 'Vespertinum exercitium' after supper. Kosegarten, I. p. 92. At Ingolstadt the possible hours (in winter) were 8 and 11 a.m., 1, 2, 3, and 5 (*post cenam*) p.m. Prantl, *Gesch. d. Univ. Ingolstadt*, II. p. 109 *sq.*

[2] At Ingolstadt (in 1473) this was followed by a 'publica conversatio,' presided over by the 'Conventor'—no doubt for practice in Latin, a note of the dawning Renaissance. Prantl, II. p. 50.

[3] Cf. the *Carmina Burana* (ed. Schmeller), p. 73:

'Stratu contempto summo te mane levato,
Facque legendo moram quartam dumtaxat ad horam,
Quinta sume cibum, vinum bibe, sed moderatum,
Et pransus breviter dormi, vel lude parumper.
. . . . . .
Si tempus superest, post cenam ludere prodest.'

[4] See the regulations for Louvain in 1476, below, App. XXIX.

town or evening exercises over, at curfew the company reassembled in the hall or parlour, and had a 'drinking' or (as it was called in Monasteries) 'collation[1]' before going to bed, a refection sometimes closely associated with the singing of the Antiphon of the Virgin or *Salve Regina*—the usual form of evening prayer in scholastic communities. CH. XIV. Collation and evening Antiphon.

Standard of Living.

But before pursuing the subject of medieval amusements it may be well to examine a little more in detail the ordinary mode of life in the Hospicium or College. Exaggerated accounts are often given of the poverty of the medieval student—especially of the class for which the Colleges were intended. The University students of that age were drawn from every class of society, excluding probably as a rule the very lowest, though not excluding the very poorest. The scale of living varied as widely as the social position of the scholars. There was the scion of the princely or noble house who lived in the style to which he was accustomed at home, in a hostel of his own with a numerous 'familia,' including poorer but well-born youths who dressed like him and acted as his 'socii' or humble companions, a chaplain[2], and (if young) a private tutor, besides the Various standards of comfort. The rich.

[1] Cf. Statutes of New College, p. 41: 'Post potationes in aula hora ignitegii.' So in the old Aularian Statutes (f. 8): 'Post gloriose virginis antiphonam decantatam et biberium completum.' At New College the Antiphon was sung in the Chapel after Compline. Cf. *Chartul. Univ. Paris.* T. II. App. p. 689. At Jesus College, Cambridge, two *biberia* were allowed per diem, consisting of 'unam pintam potus cum portiuncula panis' (*Documents*, III. p. 114). The first of these was no doubt the meal known as 'nunsyns' or 'nuncheon' (whence our 'luncheon') at nones (3 p.m. or in practice earlier). Cf. Boase, *Reg. of Exeter Coll.* (1894), p. xlvi.

[2] Thus, at Paris, the brothers Thomas and Hugh de Cantelupe 'tenebant magnum hospitium et habebant in familiam suam et ad expensas et robas suas (*id est in obsequiis et ad rem domesticam curandam*) probos viros inter quos erat magister Petrus de Buttevilt, magister in Artibus, qui fuit postmodum senescallus dicti domini Walteri Wigorniensis episcopi' (*A. SS.* Oct. T. I. p. 544). Afterwards, when Thomas lived by himself, 'habebat secum continue in familia sua et de robis suis unum capellanum, qui celebrabat continue missam dicto domino Thomæ valde mane et antequam iret ad scholas.' Moreover, his valet 'dixit, quod in dictis studiis

CH. XIV. The poor scholars.

ordinary servants[1]. At the other end of the social ladder there was the poor scholar, reduced to beg for his living or to become the servitor of a College or of a Master or well-to-do student[2]. At Vienna and elsewhere there were Halls (styled *Codrii* or *Domus Pauperum*) whose

continue dabat ad comedendum quinque pauperibus ad minus in domo sua, et aliquando tredecim; et de fragmentis et micis mensæ suæ vivebant saltem duo pauperes scholares' (*ib.* p. 545). In smaller French Universities, special privileges are conferred on 'nobiles ita viventes,' which is thus defined at Dole: 'Proprium habitet et teneat domicillum, habeatque secum tenere socium honestum et sibi simili panno vestitum, atque duos famulos honeste indutos, qui, aut saltem unus eorum, cum prefato socio ipsum per villam et ad studium vel aliis locis et actibus scolasticis jugiter associent, librosque suos, cum opus fuerit, ad scolas sive studium defferant, ac reportent,' &c. A noble who only kept a Master and one servant took a lower place in University functions (Fournier, III. No. 1616). At Montpellier, the student is esteemed 'noble' who brings 'ad minus unum consocium, duos scutiferos, unum coqum et duos famulos' (Fournier, II. No. 1103).

[1] Even at Bologna we find in the Register of the German Nation that youths belonging to the higher nobility came up attended by 'Magister suus,' or later 'Pedagogus suus' (see *Acta Nationis Germanicæ, passim*); e. g. Frederick Duke of Austria thus came to the University in 1332 (*ib.* 92; cf. Malagola, *Monografie*, p. 294). The young gentleman was often already a highly-placed dignitary. Two Provosts come up with 'Magister eorum' (*ib.* p. 99); and a Hungarian Bishop is attended by a Doctor of Decrees as his 'Pedagogus,' a Canon, a Chaplain, and three Scholars as 'familiares' (*ib.* p. 215). In 1465, Wolfgang, Count Palatine of the Rhine, matriculated with a Doctor of Decrees as his 'pedagogus,' a Master and four other scholars as 'familiares' (*ib.* p. 210).

[2] For Prague, cf. Tomek, p. 35. At Leipsic, in 1443, 'servitores magistrorum' are exempted from fees; later, partial exemption is granted to those 'qui in parte vel in toto se suarum laboribus manuum aut servitiis nutriunt et sustentant,' and there is a still more humble class of 'omnino pauperes' (Zarncke, *Statutenbücher*, pp. 360, 397). The Statutes of Toulouse tell us that at Paris 'quelibet domus scolarium . . . quamvis etiam de se tenuis et exilis' supported 'unum pauperem clericum' on its fragments (Devic & Vaissette, VII. *Notes*, c. 546). Salimbene (p. 55) tells a story of a nephew of Urban IV, created a Cardinal by him, who 'erat prius vilis scholaris in tantum ut etiam aliorum scholarium, cum quibus studebat, carnes e macello portaret.' So Petrus de Vinea, the Minister of Frederick II, 'cum esset scholaris Bononiæ mendicabat nec habebat quod comederet' (Guido Bonati ap. Sarti (1888), I. pt. i. p. 143). Cf. Oxford Reg. A a. f. 87, where 'omnes scolares portatores librorum magistrorum' supplicate to be allowed to count attendance at their Masters' lectures in lieu of those prescribed by Statute. At Greifswald every Master could exempt one 'famulus' from fees, in return for which privilege he is never to walk abroad unattended. Kosegarten, II. p. 304 (cf. pp. 265, 268).

Battellers and beggars.

inmates were regularly turned out to beg and the proceeds placed in a common chest[1]. In the Oxford Halls there was a class of students known as 'battellers' who were required to wait on the others before sitting down to table[2]. Still poorer scholars were granted licences to beg by the Chancellor. It must, however, be remembered that the example of the Friars had made mendicity comparatively respectable. Many a man who would have been ashamed to dig was not ashamed to beg: and the begging scholar was invested with something like the sacredness of the begging Friar. To support a scholar at the University or to help him on a smaller scale by giving him something at the door, in return for a prayer or two, was a recognized work of charity in the medieval world. Menial service, again, implied less social inferiority in days when gentle youths were habitually brought up as

[1] Kink, II. p. 312. So at Leipsic there was a common table for scholars too poor to live in the regular Halls, 'quibus non est tanta facultas, ut hebdomadatim quinque grossos pro expensis exponere possint' (Zarncke, *Statutenbücher*, p. 72). At Oxford we hear, in a list of Halls, of 'Spalding-Courte quæ fuerat una domus pauperum' (Merton Register, ap. Twyne, XXII. 320). Occasionally charitable persons would receive a poor scholar into their houses 'pro amore Dei,' or for the soul of a deceased relative. Gloria, *Mon. d. Padova*, 1318–1405, II. pp. 329, 330.

[2] 'Quod batellarius quisquam in refeccionibus communibus de victualibus seruiat antequam se ad refficiendum transeat sub pena ij*d*.' (Old *Stat. Aularia*, f. 7 *a*). The learned Dr. Routh was once a 'Batteller' of Queen's. At that time he did not wait on others but fetched his own victuals from the kitchen and ate them in the Hall. (I am indebted for this piece of tradition to the venerable Bishop Hobhouse.) It is not quite clear whether he was exactly the same as the 'semi-comminarius'—probably he was so: in any case the latter was no doubt one who paid for and ate smaller rations than the rest—possibly only one meal instead of two (a practice known elsewhere). At Queens', Cambridge, the two servitors of the President are to receive their commons 'per modum semi-commensalium' (*MS. Statutes*, f. 27). Originally, the 'Batler' was a poor scholar who acted as the personal servant of the Fellow who appointed him. (Shadwell, in *The Colleges of Oxford*, p. 112.) The Paris *Camerista* seems to have been in the same position (see above, I. p. 475): so at a College at Caen, the 'bursarius' who cannot pay 'portio sua' (by the aid of his scholarship) 'poterit domo morari sicut camerista' (Fournier, III. No. 1713), though forbidden to live 'ut martineti extra septa hujusmodi Collegii.' The surviving Cambridge 'Sizar' must once have fared like the 'Bateller.'

CH. XIV.

pages to Bishops or Abbots. For these poor scholars the 'ladder' of a University career was thrown down by the partial or entire remission of University dues and Lecture-fees[1]; though in some cases the scholar who graduated *in forma pauperis* was made to swear that he would pay the fees if he ever came 'to fatter fortune.' But after all, as we see from the University records, it was only a very small proportion of the students in a University, and a still smaller proportion of University graduates, who belonged to the pauper or servitor class. The vast majority of scholars were of a social position intermediate between the highest and the very lowest—sons of knights and yeomen, merchants, tradesmen or thrifty artisans, nephews of successful ecclesiastics, or promising lads who had attracted the notice of a neighbouring Abbot or Archdeacon. So habitual was this kind of patronage that a large proportion of University students must have been supported by persons other than their parents, whether related to them or not[2]. The Colleges represent simply an extension of this widespread system.

The majority not paupers.

[1] At Paris the fees were fixed at so many 'bursæ,' i. e. so many times the weekly board. The pauper scholar is entered as one 'cuius bursa fuit nichil' (Registers, *passim*). So at Prague in 1371 a scholar 'petens dimissionem bursæ propter Deum' must swear 'quia in conscientia mea non habeo ultra libros et vestes in præsenti de proventibus quibuscunque res valentes tres sexagenas aut duodecim florenos, et quam cito habebo res tantum valentes, libenter persolvam sine dilatione.' (*Mon. Un. Prag.* I. pt. i. p. 47. As to Leipsic, cf. Zarncke, *Statutenbücher*, p. 376.) At the Church-schools attended before or as a substitute for the University, poor scholars were often received *gratis*, e. g. at Worms: 'nulli tamen pauperi advenæ et mendicanti Scolarum introitus præcludatur' (Schannat, *Hist. episc. Worm.* II. p. 161), and the rich paid in proportion to their means. At Ingolstadt the poor were by Statute admitted to lectures free (Prantl, II. p. 114), and the practice was probably common even where it could not be claimed as a right. At S. Andrews an Inceptor swears to pay 'cum veniret ad pinguiorem fortunam' (MS. *Acta Fac. Art.* f. 28 *b*). At Universities of the Bologna type provision is made for the admission of a very limited number of poor graduates. As a rule no doubt the poor scholars would leave without the Master's degree.

[2] How universal this system was may be judged from the Injunction of Henry VIII in 1535 (when the Dissolution of the Monasteries had no doubt diminished the supply of

Many University students no doubt lived in the direst poverty. There is a famous story of three students who were so poor that they had but one 'cappa' between them in which they took turns to go to lecture[1]. Numbers must have lived on bread and porridge with a little wine and meat on Sundays and Holidays. The annals of a modern University in Scotland or Germany, if not in England, would tell of not a few such stories. But it would be a mistake to infer that the majority of students lived in this way. No doubt it was not then considered necessary that an undergraduate should enjoy luxuries unknown to his father and sisters at home. The medieval student lived like the students of France or Germany, not like the average English undergraduate. When we remember the enormous supplies required in a University town, at a time when the cost of conveying provisions from a distance was greater than now, and the probable failings of manciples and clumsy male cooks, it is no wonder that 'Oxford fare' had a bad name[2]. But that does not imply that the ordinary undergraduate did not have regular meals, meat twice a day, and quite as much small beer as was good for him.

students), that every clergyman beneficed to the extent of £100 should maintain at least one scholar either in a Grammar School or at a University. Wood, *Annals of Oxford*, II. p. 66.

[1] 'Nam, sicut narrare consueverat, ipse, et duo socii ejus existentes in camera, non nisi unicam habebant cappam, et tunicam tantum; et quilibet eorum lectum infimum. Exeunte ergo uno cum cappa ad lectionem audiendam, reliqui in camera residebant; et sic alternatim exierunt; panisque et parum de vino cum potagio eis pro cibo sufficiebat. Non enim carnes aut pisces, nisi in die Dominica, vel die solenni, vel sociorum seu amicorum præsentia, eorum paupertas ipsos comedere permisit; et tamen sæpe retulit, quod numquam in vita sua tam jucundam, tam delectabilem duxerat vitam' (*A. SS.* Ap. 3, T. I. p. 279). The story, here told of S. Richard of Chichester, is repeated of many medieval personages, and Hatch (*Hibbert Lectures*, p. 36) traces it to Eunapius, *Prohæresius* (Heidelb., 1596), p. 137.

[2] Mr. Mullinger (*Cambridge*, I. p. 371) quotes the words of the fallen Sir Thomas More: 'My counsel is, that we fall not to the lowest fare first; we will not therefore descend to Oxford fare, nor to the fare of New Inn, but we will begin with Lincoln's Inn diet.' Even in these luxurious days, the undergraduates' table in some College Halls would represent a considerable come-down to an ex-Lord-Chancellor.

CH. XIV.

From the graduation-lists of Paris in the fifteenth century it appears that the average 'bursa' or weekly expenses of a scholar varied between 2*s.* and 4*s.*, the lower limit being the more common. The kind of living which even this represents was that of the middle classes rather than that of 'the poor[1].'

Standard in Colleges.

Nor did the standard of living in the Colleges fall below the ordinary average. We have already seen something of the domestic arrangements of the College of Spain at Bologna. A pound of meat per diem may be the diet of hard-labour prisoners but it is not the diet of paupers. And by the sixteenth century the allowance has been increased to a pound and a half[2]. How little an endowed scholar's fare in the Middle Ages represents a minimum scale is shown by the fact that a servant's allowance of meat was only half a scholar's, while a College servant's rations are luxury itself compared with the dietary of many a medieval alms-house. The increased allowance of the later Statutes may be considered to indicate a departure from the Founder's intention; but the reader may remember that from the first there was bread and wine *ad libitum* at meals, and a 'collation' twice a day besides. The household arrangements of the same College likewise show anything but a niggard economy. At least as many servants are provided for the thirty-four inmates of this medieval College as would be required for that number of students in our

[1] It should also be remembered before drawing exaggerated inferences from the existence of such charities as the Loan-chests of Oxford (see above, p. 350) that a medieval student was liable to be reduced to great straits by temporary failure of supplies from home. Communication was difficult, and the Jews (when and where accessible) highly exorbitant. Malagola prints an interesting extract from a letter of Copernicus when studying at Bologna in 1499 to his episcopal uncle, asking for fresh supplies. He says that his brother Andrew, who was in like straits, 'Romæ servitiis se dare offerebat, ut egestati mederetur' (*Monografie*, p. 427). Yet Nicolas Copernicus was already a Canon of Frauenburg (*ib.* p. 420), and the brothers paid moderately high Matriculation-fees. *Acta Nat. Germ.* pp. 248, 252.

[2] MS. Stat. Coll. Hisp. f. xvi *a* (Phillipps Library). Cf. *supra*, vol. I. p. 201.

own day[1]. Among other enactments may be noted the provision that the servants shall carry the Canonists' books to lecture for them. It is true that the whole scale of living among the Italian students was rather more luxurious than that which prevailed among the mass of Parisian or Oxonian scholars; and the Cardinal of Spain of course wished his scholars to live as other students of moderate means were wont to live at Bologna; but such Statutes show that the term 'poor scholar' was a more elastic one than would be suggested by the moving pictures of academic poverty in which the picturesque historian is wont to indulge. When we turn to the Colleges of Oxford and Paris, the facts are not materially different. The allowance of wine at the College of Harcourt was sufficient to make it expedient that College meetings (*Congregationes*) should not be held after Common-room (*post vinum*)[2]. The different allowances for various grades of students show that the diet of the seniors must have been by no means austere[3]. It is contemplated that the College foundationer may be a man of sufficient social position to entertain noble or distinguished guests[4]. It is not superfluous to provide that he shall not keep a private servant. In some of the Parisian Colleges he is allowed this luxury at his own expense[5]. At New College, Oxford, a Doctor of Divinity is even provided with a servant at the expense of the College. It is quite true that the Colleges were intended for 'poor scholars.' But a 'poor scholar' in the sense of College founders meant only a scholar unable to support himself at

Meaning of 'poor scholar' in Colleges.

[1] There was to be (1) a 'procurator seu yconomus' (not a scholar); (2) a cook and an under-cook; (3) two *canaparii* (butlers); (3) five other servants. MS. Stat. ff. 8 *b*-11 *a*. By the sixteenth century the economic management of the College is transferred to *procuratores* selected from the Scholars, who are all to learn Arithmetic with a view to serving in their turn—a provision which (since they must have resided three years in a University before admission) throws a lurid light on the state of Mathematical instruction among Italian Jurists. *Ib.* f. viii *b*.

[2] Bulæus, III. p. 160.

[3] At Navarre a Grammarian received 4 *solidi* a week, an Artist 6, and a Theologian 8. Bulæus, III. p. 82.

[4] Bulæus, IV. p. 156.

[5] E. g. at Narbonne (Félibien, V. p. 670) and du Plessis (*ib.* III. p 414).

CH. XIV.

the University without assistance. Sometimes this is the interpretation actually embodied in the Statutes: in other cases there is a fixed limit of income. When it is remembered that many of the Colleges were for Theologians, that a Theologian's training lasted nearly half an ordinary lifetime, and that his profession even at the end of that period was not directly remunerative, it is obvious that but for the assistance afforded by the Colleges none but men of considerable means would have been likely to enter upon such a career. It is, however, almost assumed that the College Fellow would, as a rule, have some small private means: since the College allowance was usually confined to bare food and clothing. At Paris it often ceased during the Vacation [1]. In England founders were usually more liberal: but the mere fact that great prelates designed the Colleges in part for their nearest relatives shows how far they were from intending their liberality to be confined to the lowest and poorest classes, or from expecting those who accepted it to live like labourers, although at that time there was less difference than now between the diet of the labourer and that of the classes immediately above him. The will of a Fellow of Queen's in the fifteenth century shows that it was possible for a Fellow to possess several horses, besides sheep and cattle, and to have lent his father as large a sum as £7 [2].

There was almost as much difference between the scale of living and social position of the Fellow or full 'Bursar' and the 'beneficiarius' who lived on the broken meats which fell from the College table or begged for alms at the College gates [3] as there was between the independent

[1] E. g. at the College of Laon from June 24 to Oct. 1, except for the Master and two scholars. Jourdain, *Index*, p. 108. The Coll. of Dainville requires an entrance-fee of 40 *solidi*, with 'mappam sufficientem cum una thobalia' and 'de suo providere de linteaminibus et cooperturis' (Félibien, III. p. 510). Elsewhere there is a contribution towards furniture. Fournier, III. No. 1643.

[2] *Mun. Acad.* p. 593.

[3] At the College of Narbonne, by the Statutes of 1379, some poor scholars are to be selected by the Prior to receive 'fragmenta seu reliquie mensarum cum alio eorum proprio subsidio.' They were to be

scholar and his student-servitor. Indeed, before the conclusion of the medieval period we find it a matter of common complaint that the Colleges which were intended for poor, though not for pauper, scholars were filled with men whose parents were quite well able to pay for the support of their sons at the University. John Standonck, at the beginning of the sixteenth century, attempted to correct this abuse by drawing up a body of Statutes for the College of Montaigu whose austerity would repel everything short of the direst poverty and the most intense devotion to study. Any one who will compare John Standonck's Statutes with those of earlier foundations will see how many degrees of poverty there were below that of the 'poor scholars' on an ordinary College-foundation[1]. The Statutes of this College are not, as has sometimes been supposed[2], typical of University life in general, but the exception which proves the rule.

Abuse of foundations.

College of Montaigu exceptional.

It may be well perhaps to descend from these generalities to a few particulars. A Fellow's weekly commons in the second half of the fourteenth century at an English College varied (at ordinary times) from a shilling to eighteenpence. Meat was then at about $\frac{1}{4}d.$ per lb., butter and cheese at $\frac{1}{2}d.$ per lb., while 6 lbs. of wheat could be bought for $4d.$[3]. Beer good enough for a nobleman's Determination feast could be had at $12d.$ the quart[4]: but

The medieval Fellow's table.

provided with a 'suitable place' in which to eat these remnants, and were in any case to have enough pottage to satisfy their hunger. In return they were to serve in the Chapel with surplices, to ring the College bell, and 'do other things as commanded by the Prior' (Félibien, V. p. 667). So at the College du Plessis in 1335 each Scholar 'bursam habens quatuor solidorum' was to have a Beneficiarius to live in the House, who was sustained apparently by his patron's leavings, and served in the Chapel. *Ib.* III. p. 382.

[1] In these Statutes he complains of the 'potentum filii et divitum qui cæteras pias pauperum fundationes injuste occupant' (Félibien, V. p. 735).

[2] E. g. Mullinger, *Cambridge*, I. p. 367, where some interesting reminiscences of Erasmus' days at this College are cited.

[3] Rogers, *Hist. of Agriculture and Prices in England*, Oxford, 1866, Vol. I. 57.

[4] *Ib.* II. p. 644. There is a more expensive beer at $20d.$ the quart, and an inferior at $10d.$ There is also a

CH. XIV. home-brewed small-beer must have cost far less than this. Thus 1½ lb. of bread, 1 lb. of meat, and ¼ lb. of butter and cheese per head could be provided for about 1*d.* a day or 7*d.* a week. This would form a tolerably substantial basis for a student's diet, leaving at least as much again for beer-money and 'etceteras.'

Lever's account of S. John's, Cambridge.

As to the English Universities, it is customary to quote the testimony of Lever, Master of S. John's College, Cambridge, who draws a touching picture of the hardships endured by the scholars of his College in a Charity Sermon preached on their behalf at Paul's Cross. He describes their ten o'clock dinner as consisting exclusively of a 'penye pece of byefe amongest iiii, hauyng a few porage made of the brothe of the same byefe wyth salte and otemell,' and their five o'clock supper as 'not much better': while, for lack of fire, they were forced 'to walk or runne up and down halfe an houre, to get a heate on their feet' at bed-time[1]. But Mr. Mullinger[2] has well pointed out that this was an exceptional state of things—it represents the lowest ebb to which a College could be reduced in a time of failing revenues; and after all, two meals of soup, meat, and presumably bread or porridge, is not so very bad. We have seen that, judged by the standard of the age, the Oxford Colleges at least had begun to earn, long before the conclusion of our period, that character as homes of substantial if not luxurious comfort which they have never since lost. Any difference between them and the continental Colleges (though there too we hear of the abuse of Colleges by well-to-do persons) must have been mainly due to that life-tenure of fellowships which is peculiar to the English Universities[3].

payment to the 'pistor.' These beverages were probably strong ales like those which still occasionally appear in wine-glasses in College Halls.

[1] *Lever's Sermons*, ed. Arber, p. 122.

[2] *Cambridge*, I. p. 371.

[3] This feature of the English Colleges is censured by Polydore Vergil (*Hist. Anglic.*, Lugd. Batav. 1651, p. 140) who gives them a good character for morality in other respects but complains of the idle and elderly Fellows 'qui omne vitæ curriculum ibidem sese molliter curando transi-

Hardships of Student Life.

In reading of the hardships of medieval student life, it must be remembered that many comforts and conveniences which have become necessaries to the modern artisan were then unknown luxuries except in the very wealthiest and noblest homes. If the scholar's hardships were greater than those of his class elsewhere, they were largely those which were inseparable from his sedentary life. In the first rank of such hardships must be placed his sufferings from cold. In France and England we hear nothing of fires in the School and there are very slight traces of them in College Chambers. It is in fact certain that in the medieval Lecture-room there was no warmth but what was supplied by the straw or rushes upon the floor: fires were certainly not a matter of course in College rooms. A German winter must, one would think, have been insupportable without fire even to the hardy medieval, warm-wrapped in furs and dirt. In some of the German Colleges it was customary for the College to take its meals in the kitchen during the winter season: in others we hear of a common hall warmed by a stove or fire-place[1]. But even in Germany we find that it is one of the duties of the Head of a College to make a periodical inspection of College rooms lest perhaps their occupants should have improvised for themselves grates or stoves[2]. Other Statutes denounce with much severity the practice of resorting for warmth to the kitchen fire[3]. At the Sorbonne we do hear of private

Hardships not peculiar to students.

Want of fire.

gunt, qui malis exemplis juventuti plurimum interdum nocent.' The Founders of Wadham College took the hint and limited the Fellowships to twenty years.

[1] At Leipsic, in 1494, a contribution is to be levied 'ad emendum ligna ad calefatienda stuba magistrorum' (Zarncke, *Statutenbücher*, p. 233). So at Paris in 1540. Félibien, III. p. 413.

[2] 'Ne . . . focos sive fornaces ibidem construant vel habeant' (Zarncke, *l.c.*, p. 234).

[3] The following Statute of the Collége de Foix at Toulouse (1457) I cannot find it in my heart to abridge: 'Sunt nonnulli qui ita gule et ingluviei sunt dediti quod ea que in coquina parantur videre cupiunt et eis exinde melius parari expetunt, neque contenti de his que apparata sunt refectionem sumere. Volumus, igitur, statuimus, et ordinamus ut

CH. XIV.

supplies of wood for the Fellows' rooms[1], and at Durham College, Oxford, the inventories of furniture contain allusions to andirons[2]. But the standard of comfort prevalent among monks of a lordly Monastery like Durham was so much higher than that of the ordinary secular scholar that we cannot assume the existence of such luxuries as a private fire in Oxford Colleges generally in the complete absence of other evidence. At Cambridge it seems that the Parlour or (as it is now called) Combination-room was largely intended as a place for the Fellows to warm themselves in winter[3]. The cheerless picture presented by the fireless studies is completed by the wooden window-shutters, the clay or tiled floors either bare or strewn with straw, and the unplastered ceiling[4]. Glass windows were an exceptional luxury till towards the close of our period. At Padua the windows of the Schools were made of linen[5]. In 1463 a glass window was for the first time introduced into the Theological School at Prague[6]. In 1598 the

The 'Parlour' at Cambridge.

Glass windows exceptional.

nullus collegiatus sine licentia rectoris coquinam, paneteriam, sive dispensam audeat intrare, sed si quid voluerit a rectore seu administratore petat. Si quis contrarium fecerit, puniatur pena arbitraria per rectorem indicenda. Non autem interdicimus quod si quis stomacho indispositus fuerit, possit intrare dictam coquinam et petere scutellam brolii, et coquus sibi ministrare teneatur, dum tamen talis non fingat se stomacho affligi, neque causa ad se calefaciendum in dictam coquinam intrare audeat' (Fournier, I. No. 840). The same Statutes, however, provide for a fire 'in tinello' (the dining-hall) 'incipiendo in vigilia sancti Hieronymi usque ad festum Pasche.'

[1] In the MS. Register, f. 78, a dispute occurs 'super distributione camerarum et lignariorum': it is settled that two Fellows shall share a 'lignarium.'

[2] Spelt 'aundyryns.' The inventories (a roll in the Chapter Library at Durham) were made in 1428. This fact was kindly communicated to me by my friend the Rev. H. E. D. Blakiston, Fellow of Trinity College, Oxford.

[3] The early Cambridge Colleges usually possessed such a room; at Oxford, oddly enough, the Common-room seems to be a seventeenth-century invention. See the chapter on 'The Combination Room' in Willis and Clark, III. p. 376 *sq.* At Durham College, Oxford, there was a 'loqutorium,' but this was due to its monastic character. (Inventory of 1428.)

[4] Willis and Clark, III. p. 320; Josselin, *Hist. of C.C.C. Camb.* §§ 29–42.

[5] 'Bidelli scolas suas faciant coper[i]ri et ipsarum fenestras lineis pannis vel aliter claudi' (*Archiv* VI. p. 451). At Paris there were windows 'de calce.'

[6] 'Item anno Domini 1463 ... comparatum est vitrum per facultatem artium ad fenestram unam in

rooms inhabited by some of the junior Fellows at King's College, Cambridge, were still unprovided with this convenience[1]. Another melancholy detail is the expense of artificial light in winter. When the average price of candles was nearly 2*d.* per lb., it is obvious that reading by candle-light was beyond the means of the poorest students[2]. No special allowance on this head was made by the College. Hence, no doubt, the frequency of disputations and repetitions as evening employments, at which a single candle might suffice for the whole company.

Expense of candle-light.

The King's College inventory already mentioned and the various inventories of scholars' goods taken at Oxford[3] enable us to form a tolerable idea of the ordinary furniture of a student's room. The senior men usually had ordinary bedsteads, in connexion with which various gorgeously coloured coverlets[4], a 'celer and tester,' or 'hanging linen' and curtains are sometimes mentioned. The juniors often slept in truckle-beds which could be put away under the ordinary bedsteads. There is usually a table with a few chairs or 'playne joyned stooles' or 'joyned formes.' 'A new cistern or a troughe of lead,' or 'a lead to wash with a cocke,' or 'a picher and a bolle,' are sometimes but not universally mentioned. (In some Colleges there appears to have been a public lavatory in the hall[5].)

College furniture.

Washing arrangements.

lectorio theologorum collegii Caroli, ne imbres et tempestates impediant magistros in legendo et disputando' (*Mon. Univ. Prag.* I. Pt. ii. p. 81).

[1] Willis and Clark, III. p. 325. The inventory of furniture then taken mentions 'wyndowes glased,' but in other cases only 'wooden leaves for the wyndowes.' The goods of a Sorbonnist in 1434 include 'unam parvam cortinam albam fimbriatam que inest fenestras camere dicti deffuncti ad prohibendum ingressum venti pro pretio ii *sol.* viii*d.*' (Register, f. 17). At Padua, by the Statutes of 1556 (f. 126 *b*), the landlord is to see 'quod fenestræ camerarum et studiorum pannis lineis fulciantur.'

[2] Rogers, *Hist. of Prices*, I. p. 414.

[3] *Mun. Acad.* pp. 525, 565, 582, 658, 663, &c. In the Inventory discovered by Mr. Blakiston among the rolls of Durham College belonging to the Dean and Chapter of Durham —certainly the earliest Inventory of College-rooms in existence — are found a 'vertibulum,' a 'lavacrum,' and 'pelves.'

[4] 'I coverlyt of reed and blew with estryche fetherys, pris iis. iiii*d.* Item, I coverlyt of grene and yelow poudred with roses, iis.' appear in the Inventory of a deceased Chaplain in 1447. *Mun. Acad. p.* 565.

[5] Boase, *Reg. of Exeter Coll.* (1894), p. xli.

CH. XIV. A 'matteresse,' a bolster, a 'pilowe,' and 'ii payre of old schetces' represent the bedding of a priest who died at Vine Hall, Oxford, in 1455: he also possessed 'i candelstik of yron' and 'i shere to snoffe candels[1].' In the case of humbler scholars blankets or counterpanes appear without the sheets. The musical man had his 'lewt.' There was a chest or 'cofer' or 'canveisse' for clothes; if the occupant were a serious student

Books. there would be a 'presse' or shelves for books. In the inventories of more sporting characters, knives and swords, bows and arrows, a hatchet or a silver 'misericordia' are more conspicuous than books. The aspirations of Chaucer's clerk of Oxenford represent about the maximum that an ordinary student would expect in this last department—

> 'For him was lever han at his beddes hed
> A twenty bokes, clothed in black or red,
> Of Aristotle, and his philosophie,
> Than robes riche, or fidel, or sautrie[2].'

Beds. Separate beds are as a rule allowed by English College Statutes, except occasionally in the case of the youngest boys. At Magdalen College, Oxford, Demies under 15 are to sleep two in a bed[3]. The same arrangement is found in a monastic College at Montpellier, and is allowed by special permission of the Principal in the Oxford Halls[4].

[1] *Mun. Acad.* p. 663. A writer of the thirteenth century thus describes the furniture which the student expected to find in his hostel, but, as the book is a Word-book, he probably exaggerates the completeness of the outfit: 'In hospitio probi hominis debent haec esse: mensa decens, mappa candida, manutergium fimbriatum, tripodes alti, trestelli fortes, torres, eremalia, focalia, stirpes (some MSS. read 'stipes'), cippi, vectes, sedilia, scamna, cathedra, spondæ et fercula facta de lignis levigatis, culcitræ, cervicalia et pulvinaria, cribrum, taratantarum, haustrum, mulctra, casearium, et muscipula' (Scheler, *Lexicographie Latine du XIIe et du XIIIe siècle*, Leipzig, 1867, p. 31). Moreover, 'Hæc sunt instrumenta clericis necessaria: libri, pulpita, crucibolum cum sepo, absconsa et laterna, cornu cum incausto, penna, plumbum et regula et speculum, tabulæ et ferula, cathedra, asser, creta cum plana, pumex' (Scheler, p. 31).

[2] Prologue, ll. 363-6.

[3] *Statutes*, p. 73.

[4] *Cart. de l'Un. de M.* p. 542; Old *Stat. Aul.* f. 2.

In English College rooms the usual arrangement was that each scholar had a 'study' of his own adjoining the windows[1]. These studies were apparently movable structures, being sometimes treated as part of the furniture. In their simplest form we may perhaps picture them by the aid of the Eton boy's bureau or the Winchester scholar's 'toys.' By the time of the King's College inventory they have doors, and may therefore be supposed to have been something like the cubicles in the dormitories of some Public-schools, though the structure was still apparently movable. In the Middle Ages, however, students slept in the part of the room left unoccupied by the separate 'studies' of its two, three, four, or occasionally more numerous occupants[2].

The 'study'

Amusements.

A very striking feature of medieval University life (at least in English eyes) is the almost total absence of authorized or respectable amusements. The Statutes of the College founder or University disciplinarian on such matters are often more severe than they are in the repression of crime or vice. It is difficult to find in our records any allusion to recognized amusements except some vague mention of playing at ball out of doors, and within doors of singing or playing on the lute. But here again we are simply encountering one of the characteristics, not of the Universities in particular, but of the age in general. The upper class of feudal society was an essentially military class: its amusements consisted in jousts and tournaments, hunting and hawking. Such recreations were not unnaturally considered too unclerkly and too distracting as well as too expensive for the University student, and

Absence of recognized amusements.

[1] Thus at New College: 'In inferioribus . . . cameris . . . quatuor fenestras et quatuor studiorum loca habentibus, sint semper quatuor scholares vel socii collocati' (*Statutes*, p. 88). We hear of such *studia* in the Friars' convents much earlier. See references in Little, *Greyfriars in Oxford*, p. 55.

[2] On the whole of this subject, see the most interesting chapter on 'The Chambers and Studies' in Willis and Clark, *Cambridge*, III. pp. 296–327.

CH. XIV. were consequently forbidden in medieval Statutes[1]. Contempt of the body was too deeply rooted a sentiment of the religious mind for a pious College founder to recognize the necessity of bodily exercise and a free vent for animal spirits. Even 'playing with a ball or a bat'—the nearest approach to 'athletics' which we encounter—is at times forbidden among other 'insolent' games[2]. A sixteenth-century Statute includes the machinery of tennis or fives among the 'indecent instruments' the introduction of which would generate scandal against the College: though it charitably allows playing with a soft ball in the College court[3]. Though gambling was not so strong a passion in the north as in the south of Europe, a good many Statutes are directed against it even in northern Universities. The sterner College founders forbade games of

Indecent instruments.

Gambling.

[1] E. g. at Heidelberg: 'Item quod nullus capere presumat aviculas, aves seu feras quarumcunque specierum, seu capcioni illarum intersit, sub pena vnius floreni et confiscationis captarum' (Stat. of 1453 ap. Hautz, *Gesch. d. Un. Heidelberg*, II. p. 393). 'Item quod nullus scolis dimicancium interesse, seu exercicio eorumdem se submittere presumat, nec aliquem ad docendum vel discendum hujusmodi vanitatem quoquo modo inducat, sub pena vnius floreni' (*ib.* p 394). Cf. New College *Statutes*, p. 48.

[2] 'Ad pilam vel ad crossiam vel ad alios ludos insultuosos' (Statute of Narbonne College, 1379, ap. Félibien, V. p. 670).

[3] 'Item, et quia multæ querelæ vicinorum ad aures nostras devenerunt de insolentiis, exclamationibus et ludis palmariis dictorum scolarium, qui ludunt scophis seu pilis durissimis ac ferulis reticulis et aliis indecentibus instrumentis, horisque et diebus indebitis, in scandalum collegii et detrimentum dictorum vicinorum; ideo ordinamus quod nulli, . . . de cætero ludant ad ludum palmarium, maxime in magna area dicti collegii, nisi pilis seu scophis mollibus et manu, ac cum silentio et absque clamoribus tumultuosis neque ludant ante prandium,' &c. (Stat. of Coll. of Tours, 1540, ap. Félibien, III. pp. 419, 420). It is surprising to find the martyr Ridley anticipating the manners of the nineteenth century by playing tennis or practising archery with a pupil. (The pupil was apparently, however, a junior Fellow.) Strype, *Memorials*, III. P. i., Oxford, 1822, p. 386. I have come across no allusion to football before 1574, when it is forbidden at Cambridge, but in 1580 allowed only within the College precincts, *non adulti* offenders to be flogged. Cooper, *Annals*, II. pp. 321, 382. At Oxford in 1584 'any minister or deacon' convicted of this offence was to be banished and reported to his Bishop, scholars over eighteen imprisoned and fined, those under eighteen to be flogged in St. Mary's. (Wood, *Annals*, II. 220.) For football on Bullingdon Green in 1608 see Twyne, MSS. XXI. p. 85.

chance and playing for money altogether: the more indulgent contented themselves with limiting the stakes to eatables or drinkables and confining the games to festivals[1]. Chess is a pastime which might seem severe enough to propitiate the most morose disciplinarian, but it seems to have enjoyed a curiously bad reputation with the medieval moralist, and is forbidden by many academical legislators. At Heidelberg, for instance, visits to the public chess-tables are forbidden 'especially on legible days': at New College the stern Bishop of Winchester includes chess among the 'noxious, inordinate, and unhonest games' which are forbidden to his Scholars[2].

Chess.

College Statutes are not unnaturally full of prohibitions directed against musical or other noises calculated to disturb the studies of others[3]. Some few German Statutes condescend so far to human infirmity as to permit at seasonable hours musical instruments, 'provided they are musical.' As to the keeping of dogs, hawks, ferrets, 'unclean beasts or birds[4],' the practice was viewed by the College disciplinarian with a traditional horror which (as regards dogs) still lingers in the breasts of the Deans and

Musical instruments.

Dogs, hawks, &c.

[1] At Narbonne all playing for money is forbidden 'unless sometimes and rarely at honest and recreative games, for a pint or quart of wine or fruit, and without great noise and expenditure of time' (Félibien, V. p. 670). At Cornouaille (1380) playing at 'dice or tables' is allowed only 'for the recreation of some sick fellow . . . in the house or out of it on festivals, and for the sake of solace and for some moderate comestible or potable' (III. p. 502). A Court of justice might find the clause difficult to interpret: there is a further reservation in favour of Christmas and SS. Nicolas, Catherine, and Corentinus.

[2] New College *Statutes*, p. 48: Hautz, *Heidelberg*, II. p. 394. At Louvain the legislator is more indulgent towards private games: 'Illos etiam a quibuscumque ludis taxillorum et chartarum [Tutores] prohibeant, permittendo tamen diebus et horis opportunis ludos virtuosos in domo vel locis privatis et non publicis . . . sicut ad scaccos, ad pilum aut consimiles, absque tamen excessivo labore aut immoderata frequentia' (Ordinance of Charles the Bold, Duke of Brabant, in 1476; Molanus, II. p. 940).

[3] 'Quod nullus ludat in domo cum cythara vel choro vel aliis instrumentis sonoris, per quod possent dicti scholares aliqualiter molestari' (Félibien, III. p. 397).

[4] 'Nec etiam teneant bestias vel aves immundas vel alias nocivas' (Félibien, III. p. 386).

CH. XIV. Porters of Oxford and Cambridge. As the grim sixteenth century is reached, the prohibitions against all 'profane games, immodest runnings, and horrid shoutings,' become increasingly sweeping[1].

Dancing. The institution of a sort of public University ball for the express purpose, it would seem, of introducing the students to the 'most honourable and elegant daughters of magnates, senators, and citizens,' deserves to be mentioned as a rather exceptional peculiarity of sixteenth-century Leipsic[2]. Much more frequently we encounter stern denunciations of dancing in any form whatever. But we may infer that the amusement was a favourite one with the students from the fact that, even in a College jealously guarded against female intrusion, William of Wykeham found it necessary for the protection of the sculpture in the Chapel reredos to make a Statute against dancing or jumping in the Chapel or adjoining Hall[3]. His language is suggestive of that untranslatable amusement now known as 'ragging,' which has no doubt formed a large part of the relaxation of students—at least of English students—in all ages. At the same College there is a comprehensive prohibition of all 'struggling, chorus-singing, dancing, leaping, singing, shouting, tumult and inordinate noise, pouring forth of water, beer, and all other liquids and tumultuous games' in the Hall, on the ground that they were likely to disturb

[1] 'Item placet, quod nullus scholasticorum intra vel prope collegium exerceat quoscunque ludos prophanos aut discursus immodestos seu boatus edat horrisonos, studiosorum interturbando negotia . . . sub poena septem grossorum' (Stat. of *Collegium minus* at Leipsic ap. Zarncke, *Statutenbücher*, p. 240).

[2] 'Ut in publico prudentissimi senatus theatro doctores, nobiles, magistri, studiosi iuuenes cum honestissimis et lepidissimis magnatum, senatorum et ciuium filiabus choreas ductarent' (Zarncke, *Acta Rectorum*, p. 34). On the other hand, at Bâle, in 1460, an agreement between the town and the University provides 'quod studentes per Rectores Bursarum et alios inducantur ut non chorisent in choreis civium publice nisi ad illas specialiter fuerint invitati' (Vischer, pp. 306, 307). So at Avignon dancing is forbidden 'salvis choreis publicis que fierent in festis de universitate [*leg.* universitatis] suppositorum' (A. D. 1441) (Fournier, II. No. 1334).

[3] *Statutes*, p. 100. In Chaucer (*Cant. Tales*, l. 3329) a scholar dances 'After the scole of Oxenforde tho'.'

the occupants of the Chaplain's chamber below. A moderate indulgence in some of the more harmless of these pastimes in other places seems to be permitted.

Festivals and ecclesiastical dissipation.

The ideal student of the Middle Ages probably amused himself little or not at all. The only relaxation which the University system really provided for was the frequent interruption of the regular routine for the whole or part of a day in honour of the greater Holidays of the Church, or of the Festivals of the Patrons of a particular Nation, or Province, or Faculty. For the Faculty of Arts the great days were the Feasts of S. Scholastica and S. Nicholas. Some Statutes contain severe prohibition of Carnival-tide licence, but in Scotland two or three days' holiday was expressly allowed for cock-fighting at this season[1]. In all medieval Universities—but especially at Paris—the student enjoyed an abundance of what may be called ecclesiastical dissipation. For the Masters at Paris there were national Vespers and a national Mass once a week[2], as well as on many Festivals. These functions were followed by a distribution of money or a dinner at the expense of the Nation. For Masters and scholars alike there were frequent processions, University Masses, and University Sermons, which at least afforded a welcome

[1] E.g. at S. Andrews: MS. *Acta Fac. Artium*, f. 1 *b*. The Statute forbids the spending of a fortnight or three weeks 'in procuratione gallorum.'

[2] The Vespers on Friday, the Mass on Saturday. This usage was still kept up in the time of Goulet (viii *b*). At Oxford such entertainments appear to have been less frequent. But we find an annual item in the Proctors' accounts, 'Pro distribucione fienda inter Regentes,' amounting (at the end of the fifteenth century) to £3 18*s*. 4*d*. Two great Holidays were celebrated on the Vigils of S. John the Baptist and of S. Peter, in connexion with which we find such items as the following: 'Item solutum in Vigiliis sancti Ioannis Baptiste et sancti Petri in recreacione omnium graduatorum ex consuetudine laudabili ut placet iudicibus [i e. the auditors, who had reduced the Proctors' claim] . . . vi*li*. xii*s*. iiii*d*. Item pro cirpis consumptis in dictis vigiliis et certis reparacionibus factis in locis ubi tenebantur dicte Recreaciones . . . iii*s*. Item, pro consumpcione luminum in eisdem noctibus et in obitibus dominorum Ioannis et Thome Kempe, ducis Glocestrie et Episcopi Lincolnensis . . . xvi*s*.' (Accounts for 1494 in Archives, W. P–Y 28).

CH. XIV.

Half-holidays.

relief from morning lecture. The afternoons of Holidays supplied the chief opportunity for country walks or recreation in the Pré-aux-clercs[1]. In the German Universities we find, however, a growing tendency to abridge even this scant liberty by providing afternoon lectures on Festivals. Mathematics are sometimes introduced as a light study specially appropriate for such times, it being alleged that half-holidays were usually spent in the tavern.

Holiday evenings.

In the evenings of Festivals even the sternest of College disciplinarians relaxed so far as to allow story-telling or carol-singing, or the reading of 'poems, chronicles of the realm, or wonders of the world' round the fire in the College Hall[2]. This was probably regarded as a harmless substitute for the entertainments of strolling jesters or actors or mountebanks largely patronized by the student when free from collegiate restraints[3]. Only on Twelfth-night were mummers allowed within the sacred precincts of the College[4].

Sundays.

By some Universities we find even Sunday utilized for lectures or disputations[5], and there are traces of the same institution in the early days of the Italian Law-schools;

[1] A Statute at Ingolstadt restrains what would appear to have been harmless country excursions: 'Retroactis temporibus nimium frequentare coeperint exitus cumulatos ad loca nemorosa, quos exitus appellant fontonia;' henceforth they were only allowed 'semel in caniculariibus... exire cum Decani licentia' (Prantl, II. pp. 113, 114).

[2] So at New College, where lingering in Hall is forbidden 'nisi quando ob Dei reverentiam ac suæ matris vel alterius sancti cujuscunque tempore hyemali ignis in aula Sociis ministratur' (*Statutes*, p. 42).

[3] At the College of Cornouaille, scholars are to abstain 'a quibuscumque ludis mimorum, joculatorum, histrionum, goliardorum, et consimilium' (Félibien, III. p. 502).

[4] Bulæus, V. pp. 782, 783, the number of 'mimi' being limited to one 'et ad summum duo.'

[5] At Leipsic: Zarncke, *Statutenbücher*, p. 339. So at Nantes (1461) there are Ethics lectures on Sundays as well as other Festivals: Fournier, III. No. 1595. We find 'questiones dominicæ' among the works of Rofredus: Sarti, 1888, I. Pt. i. p. 88. The Statutes of Salamanca forbid 'repetitiones' on Sundays: Denifle, *Archiv*, V. p. 183. In modern Italian Universities, examinations are continued on Sundays. For an Oxford Congregation on Sunday, see *Mon. Francisc.* I. p. 347. I have met with a bulky treatise by a medieval Canonist in support of the thesis that study on Sundays was permissible except when pursued for gain.

but this would appear to have been the exception rather than the rule[1]. In general, the Sunday was free for worship and rest, and seems to have been rarely abused by the outrages or disturbances so common on other Festivals.

Plays.

The comedies which began to be acted in the Halls or Colleges towards the end of the fifteenth century form almost the only amusement of an intellectual character which relieved the stern monotony of academic life. But these are not heard of till the first breath of the Renaissance spirit had reached even Paris and Oxford: these comedies represent the first contact of the stream of academic culture with the now fuller and more vigorous current of popular literature, and exercised an important influence over the development of the modern drama both in France and England. It is needless to say that the innovation was looked upon with considerable suspicion, though not altogether prohibited, by the University disciplinarians[2].

Illicit amusements.

Alike in the Universities and out of them the ascetism of the medieval ideal provoked and fostered the wildest indulgence in actual life. If we want to realize what were the probable amusements of the un-ideal student we must turn to the things which laws and Statutes prohibit rather than to those which they permit. For the bolder spirits there were sporting excursions into the country. Poaching in the King's forests at Shotover or Woodstock was a favourite pastime of the Oxford scholar[3]. The University of S. Andrews with unwonted liberality actually allowed its students to go a-hawking, provided they went in their own clothes and not in 'dissolute habiliments borrowed from lay cavaliers[4].' On the roads round the

Poaching.

Hawking.

[1] By a Statute of the City of Perugia in 1389 the *Sapientes Studii* are to elect Doctors to lecture on Sundays or other Festivals. *Giornale d. Erudiz. artistica*, VI. pp. 315, 316.

[2] In 1488, at Paris, it was ordered that the Principal should 'visit' comedies performed in his Hall. Bulæus, I. p. 785.

[3] Rot. Pat. 15 Hen. III. m. 9; Rot. Claus. 1 Hen. V. m. 29 *dorso* (Hare, *Mem.* 111); Macray, *Reg. of Magd.* I. 44.

[4] MS. *Acta Facultatis Artium*, f. 15 *a*.

CH. XIV.

Scholar highwaymen.

University towns were even to be met parties of scholars—many of them expelled or banished for previous transgressions—who had turned highwaymen and now waylaid the more peaceful student approaching the University with his purse equipped for a nine months' residence[1].

Drinking, quarrelling.

The proportion of idle men was perhaps not larger than in most modern Universities, but for the idle, as for the average student in his lighter moods, there were hardly any amusements except drinking, gambling, and singing at taverns[2], roaming the streets in large gangs under a Captain or otherwise, singing, shouting, dancing, throwing stones, breaking doors or heads, and fighting or quarrelling with townsfolk or students of a hostile Nation. Various

Practical joking.

forms of practical joking of the more violent order enjoyed a high degree of popularity. Among the Archives of the University of Leipsic is a 'libellus formularis' or collection of forms for Rectorial proclamations against the various kinds of disorder which were wont to break out periodically in a medieval University like the recurrent epidemics of pea-shooting, catapulting, and the like at a modern school[3]. Among these is a form of proclamation against destroying trees and crops in the adjoining country, against 'wandering with arms after the town-hall bell,' against throwing water out of window upon passers-by, against wandering at night and beating the watch, against 'horrible shoutings and noisy and unwonted songs,' against wearing disguises, masks, and 'rustic garments' at Carnival-tide, against interfering with the hangman (*suspensor*) in the execution of his duty, against disturbing the Inception banquets or 'Aristotle's feasts,' against attending exhibitions of tilting, wrestling, boxing, and the like, against 'insolences' or practical jokes in general.

[1] Rot. Pat. 15 Ed. III. Pt. iii. m. 8 (Hare, f. 68 *a*); Rot. Parl. 9 Hen. V. cap. 14 (Vol. IV. p. 131).

[2] A Statute of Vienna (Kink, II. p. 76) is directed against 'Scholares brigosi, luxuriosi, ebriosi, disculi, noctiuagi cum instrumentis musicis uel alias ociosi lenocinantes, fures, et precipue Ciuium offensores, taxillorum lusores ... et omnino ostiorum fractores.'

[3] *Statutenbücher*, pp. 102-119.

Contrast between earlier and later Middle Age.

The date of this document is as late as 1495. These were the milder effervescences of medieval spirits at a period when the student had been already reduced to a semi-civilized condition. What his wilder outbursts of fun and frolic had been in the earlier days of unrestrained student-liberty, the reader will already have gathered from some of the Town and Gown narratives which have already been set before him. It may be well however to give a few further illustrations of the kind of violence of which the medieval scholar was alternately the victim and the perpetrator. It is necessary that we should realize vividly what the treatment was against which the medieval scholar—and indeed the medieval clergyman of all grades—sought to be protected by his outrageous privileges, and on the other hand how much excuse there was for the bitterness and fury with which these privileges were opposed and resisted by the lay population. It is perhaps something more than an accident that the instances of lay oppression will be chiefly drawn from the history of Paris, and the illustrations of clerkly violence from the annals of Oxford and other towns wherein the clerkly element bore a larger proportion to the whole population.

The wilder side of University life.

Feud between Parisian scholars and Monastery of S. Germain.

The boundaries of the City of Paris had been extended by Philip Augustus so as to include the suburb south of the river. The western portion of this transpontine region formed the students' quarter, in which were situated most of the buildings used by the University and of the Colleges and Hostels inhabited by the scholars. This *quartier latin*[1] (as it came to be called) extended from the Cathedral of Notre Dame on the Island *cité* to the western wall near the site now occupied by the Palace of the Institute. Medieval Paris, like medieval London, was surrounded by

[1] Denifle has made it clear that the term was originally applied only to the Island, but was gradually extended to the southern bank as the students deserted the former for the latter. See above, Vol. I. p. 279 *sq.*

CH. XIV. a belt of Monasteries, whose Abbots exercised a feudal jurisdiction over the districts surrounding their Churches. Just outside the city wall, to the west of the students' quarter, stood the great Abbey of S. Germain. Outside the Abbey walls was an open meadow or waste ground which had from time immemorial been the promenade of the elder and the playground of the younger students. When the University had assumed the form of a definite corporation, that body or rather its Faculty of Arts claimed the Pré-aux-clercs as its freehold property. The property, or at least the free use of it, was recognized as belonging to the University by the Statutes of the Cardinal Legate de Courçon in 1215. The Monks, however, contended that the property had anciently been theirs and had been unlawfully alienated by one of the secular Abbots in the ages of confusion; and the decision of the Legate appears to have left at all events a boundary dispute between the Abbey and the University unsettled. The unfortunate scholars were in consequence exposed to much annoyance, and at times to violent and organized attacks from the Monks and their retainers. The first recorded outrage of this description occurred in 1278. At the morrow of the Translation of S. Nicholas, the patron Saint of scholars, the fields were crowded with the clerks, when the Abbey bell was heard summoning the tenants and servants of the Abbot and Convent. By order of their black-robed Masters an armed guard took possession of the three city gates which opened on to the Pré, so as to cut off the retreat of the scholars, while to the sound of horns and trumpets and with shouts of 'death to the clerks' the Convent and its retainers, headed by their Provost, sallied forth upon the unarmed and defenceless boys and Masters, and fell upon them with bow and arrow, club, sword, or iron-tipped stave. Many were badly wounded, some mortally, but they were nevertheless dragged off to the 'horrible dungeons' of the Abbey. Those who fled (a Doctor of Divinity and a Doctor of Medicine were among the number) were pursued far and wide over the country.

A monastic excursion.

Punishment of Monks.

It is significant of the lawlessness of the times that the ordinary course of justice seems to have been quite incapable of reaching ruffianism of this kind when committed by such offenders as the Abbot and Convent of S. Germain. The Abbey claimed the 'justice' of the Pré: and was exempt from all episcopal or metropolitical jurisdiction. The University had no resource but to lay their complaint before the King and the Papal Legate, and to threaten a 'cessation' if redress were not granted within fifteen days. The Abbot and the Provost were deprived of their offices, but the penalties imposed were, as usual in such cases, mainly corporate. The Monks were required to found and endow two Chaplaincies, one in the Church of S. Catherina de Valle Scholarium, the other in the Chapel of S. Martinus de Ordeis close to the walls of the Abbey, with annual stipends of £20. At these Chapels mass was to be said for the benefit of scholars 'before play-time[1].' These Chaplaincies were to be in the gift of the University, and formed the nucleus of the considerable patronage (chiefly in Paris) eventually acquired by the University[2]. The brutality of the Monks was not, however, by any means effectually repressed by this humiliation. They were especially sensitive about the claim to fish in the city moat which divided the Abbey grounds from the domain of the University. In 1318 it was necessary to procure a papal Bull empowering the Bishops of Soissons and Noyon to investigate and punish an outrage upon some Priests and other clerks who were enjoying this favourite amusement[3].

[1] 'Ante ludum.'

[2] This account is taken from the *ex parte* statement of the University (Bulæus, III. p. 453 *sq.*; *Chartul.* I. pt. i. No. 480); but the retribution which was meted out to so powerful a Convent (Bulæus, III. p. 454: *Chartul.* T. I. pt. i. Nos. 482, 484, 524; T. II. No. 537, &c.) is sufficient to show that the Monks cannot have had much to say for themselves. Very characteristic of the time, however, is the ample revenue assigned to the deposed Abbot, who is rather praised for his readiness to resign than denounced for an offence which would now get him ten or twenty years' imprisonment or penal servitude in any civilized European country.

[3] Bulæus, IV. p. 175; *Chartul.* T. II. No. 762. There was, however,

CH. XIV.

Outrage by Provost of Paris and its consequences.

In 1304 the Provost of Paris hanged a scholar and gibbeted his body in flagrant contempt of the privileges of the University, and (as we are assured by a contemporary historian) unjustly to boot. A cessation of lectures compelled the King to punish the Provost. The offender was required, besides suing for absolution at Avignon, to found two Chaplaincies and present the advowson to the offended corporation. In addition to this substantial penalty, the wounded honour of the clerks was appeased by two most characteristically medieval impositions. The Provost was compelled to cut down the corpse, which had been hanging on the gibbet for some months, and kiss it; while all the clergy of Paris were solemnly convened by the Official (the see being vacant) to march in procession with their respective flocks, each with cross and holy water, to the house of the offending magistrate, and there throw stones against it and utter a solemn exorcism or imprecation against the devil who was supposed to inhabit the building[1].

'Affaire Savoisy.'

Another celebrated outrage on scholars occurred in 1404. The University was now at the height of its power, and the penalties which befell its oppressor were in consequence

much subsequent litigation between the Convent and the University. In 1345 the Convent ceded to the University the patronage of two Churches in Paris—S. Andrew de Arcubus and SS. Cosmas and Damian—in consideration of the University giving up their claims on a piece of adjoining land. A significant clause provides that the Abbey may build 'muros simplices . . . sine quernellio et fortalitiis aliis a simplici muro, per quae Scholares possent laedi.' Moreover, a door leading from the Abbey grounds on to the Pré, through which, no doubt, the armed sallies had been made, was to remain for ever walled up (Bulæus, IV. p. 287). Among the property bought in 1348 by the University as an endowment for one of the Chaplaincies of S. Andrew's Church, we find: 'Item tam homines quam mulieres servilis conditionis ad voluntatem talliabiles et justiciabiles altæ, mediæ, et bassæ' (Bulæus, IV. p. 303).

[1] 'Recede Recede, maledicte Sathana, recognosce nequitiam tuam, dans honorem S. Matri Ecclesiæ, quam, quantum in te est, dehonestasti ac etiam in suis libertatibus vulnerasti,' &c. (Bulæus, IV. 73). It is not quite clear whether the Provost or his house is considered to be possessed, or whether the 'Sathana' is meant to be a mere term of clerical abuse. A similar penalty was imposed for a similar offence upon a later Provost in 1407, but apparently not carried out (Bulæus, IV. 146; Rel. de S. Denys, III. 726). In this case the scholar had admittedly committed highway robbery.

still more exemplary. A University procession was on its way to the Church of S. Catherine, the patroness of scholars, to intercede for the peace of the Church and realm and the health of the King. A party of pages and others in the service of the King's Chamberlain, Charles of Savoisy, on their way towards the Seine to water their horses, met the procession, and, instead of waiting for it to pass, rode in among the scholars. A riot took place in which stones were thrown and some of the boys got trampled on by the horses of their assailants. Savoisy's retainers were not, however, satisfied with the results of the unpremeditated fray; but, retiring to their master's Hotel, procured bows and arrows and other weapons, with which they made a deliberate and still more murderous onslaught upon the scholars, pursuing some of them into a neighbouring Church where Mass was being celebrated. A crowd of indignant clerks, headed by the Rector, proceeded at once to the King, and threatened to leave Paris in a body if justice were not done. The amplest satisfaction was promised: but a suspension of lectures and sermons for six weeks was necessary before it was obtained. Eventually, the master of the truculent household was sentenced to pay a fine of 1000 *livres* to the victims, another 1000 to the University, and to create a rent-charge of the annual value of 100 *livres* for the endowment of five Chaplaincies which were to be in the gift of the University and to be held by Masters. Finally, the Chamberlain was dismissed from all his employments, banished from Court, and his Hotel ordered to be rased to the ground. The latter part of the sentence, we are told by the official record of the proceedings in Parlement, was executed by a great number of the triumphant scholars 'promptly and almost before it was pronounced.' Formal evidence having been given that Savoisy was a clerk, he was exempted from making 'amende honorable[1]' in person, but three of his servants (who were apparently the actual

[1] 'Mulctam infamem, seu, ut vocant, honorabilem.'

CH. XIV.

offenders) were ordered to go as penitents to three churches clad in their shirts only, and there carrying lighted tapers in their hand to be publicly flogged on behalf of their master[1].

Proclamation by Official of Paris, 1269.

Another often-quoted illustration of academical morals in the thirteenth century is the Proclamation of the Official of Paris in 1269 in which he denounces a class of scholars, or pretended scholars, who 'by day and night atrociously wound and slay many, carry off women, ravish virgins, break into houses,' and commit 'over and over again robberies and many other enormities hateful to God[2].' Such were the kind of crimes in which the clerical tonsure enabled the Parisian scholar to indulge without the smallest fear of the summary execution which would have been the fate of an apprentice or a 'sturdy beggar' who essayed such pranks. As a means of preventing such outrages in future the Official has nothing more deterrent to hold over the offender's head than the ineffectual threat of excommunication.

Coroner's Inquests at Oxford.

If we turn to Oxford, perhaps the best evidence which comes to our hand is contained in the records of Coroner's inquisitions. Over and over again occurs the dismal record, 'Such and such jurors on their oaths present that M or N, clerk, killed A or B, citizen or clerk (as the case might be—to do him justice it was nearly as often a brother-clerk as a citizen), with a sword or a pole-axe or a knife or an arrow; that he has fled and that there are no goods left' which can be distrained upon[3]. Rarely is the entry varied by the statement that the accused was obliged to take sanctuary, and after so many days abjured the realm. In those rare cases the culprit might be put to the inconvenience of continuing his studies abroad. In the majority of cases

[1] Bulæus, V. 95–109. The Rel. de S. Denys (III. 186*sq.*) makes the destruction a more formal proceeding, carried out by the King's carpenters marching in procession 'cum lituis et instrumentis musicis.'

[2] *Chartul.* T. I. pt. i. No. 426 (wrongly dated in Bulæus, III. p. 95).

[3] See Twyne, MSS. XXIII. p. 154, &c.; Rogers, *Oxford City Docs.* p. 150 *sq.*

nothing worse happened to them than being compelled to go to Cambridge.

Town and Gown at Orleans.

Another illustration may be drawn from the annals of Orleans. In the year 1387, Jean Rion, a citizen of Orleans, employed two ruffians to waylay a Bachelor of the Civil Law named Guillaume Entrant. Catching him on horseback outside the town, they threw him from his horse, and were only prevented from killing him by the arrival of timely succour. On another occasion they were more successful, wounded him 'atrociously and inhumanly in the head and other parts of the body,' cut off a finger and left an arm hanging by 'a slender strip of skin' (*pellicula*). Finally they 'tyrannically' pulled out an eye, and left him for dead. Summoned before the Parlement of Paris, Rion pleaded that the scholar had seduced his wife, and continued the intrigue after having been forgiven and having solemnly pledged himself to abandon it. The fact was notorious and was not denied. The enormous damages claimed by the victim were considerably reduced by the Court. Nevertheless, Rion was condemned to pay 300 *livres tournois* by way of compensation, a fine of 100, and to make 'amende honourable' to the Court, the plaintiff, and the proctor for the University on bended knee and clad only in his shirt. The sentence led to a general outburst of rage and indignation against the scholars. Another scholar was beaten and mutilated 'so that he is expected to die rather than live.' At last there was a regular raid on the scholars 'to the ringing of bells and the sound of trumpets.' Houses were broken open, and scholars dragged out to the town prison. The citizens threatened that all the scholars should die. Nevertheless they do not appear to have done much in execution of their threats beyond beating a scholar's servant and pillaging a house. The scholars, however, fled the town *en masse*. The Captain of the City Guard rode through the suburbs with his men, shouting 'death to the scholars.' One noble youth was so frightened as to hide in a sewer 'for a long time.' The offenders—chiefly, it would seem, Royal officials—were condemned to do

CH XIV. penance and make 'amende honorable' to the University in the usual way, and to a fine, part of which was to be expended on a picture representing the offenders on their knees before the Rector and other scholars [1].

An Easter scene at Toulouse.

Yet another story from Toulouse. In the year 1332, five brothers of the noble family de la Penne lived together in a Hospicium at Toulouse as students of the Civil and Canon Law. One of them was Provost of a Monastery, another Archdeacon of Albi, another an Archpriest, another Canon of Toledo. A bastard son of their father, named Peter, lived with them as squire to the Canon. On Easter Day, Peter, with another squire of the household named Aimery Béranger and other students, having dined at a tavern, were dancing with women, singing, shouting, and beating 'metallic vessels and iron culinary instruments' in the street before their masters' house. The Provost and the Archpriest were sympathetically watching the jovial scene from a window, until it was disturbed by the appearance of a Capitoul and his officers, who summoned some of the party to surrender the prohibited arms which they were wearing. 'Ben Senhor, non fassat' was the impudent reply. The Capitoul attempted to arrest one of the offenders; whereupon the ecclesiastical party made a combined attack upon the official. Aimery Béranger struck him in the face with a poignard, cutting off his nose and part of his chin and lips, and knocking out or breaking no less than eleven teeth. The surgeons deposed that if he recovered (he eventually did recover) he would never be able to speak intelligibly. One of the watch was killed outright by Peter de la Penne. That night the murderer slept, just as if nothing had happened, in the house of his ecclesiastical masters. The whole household, masters and servants alike, were, however, surprised by the other Capitouls and a crowd of 200 citizens and led off to prison, and the house is alleged to have been pillaged. The Archbishop's Official demanded their surrender. In the case of the superior

[1] Fournier, I. Nos. 212, 215.

ecclesiastics, this after a short delay was granted. But Aimery, who dressed like a layman in 'divided and striped clothes' and wore a long beard, they refused to treat as a clerk, though it was afterwards alleged that the tonsure was plainly discernible upon his head until it was shaved by order of the Capitouls. Aimery was put to the torture, admitted his crime, and was sentenced to death. The sentence was carried out by hanging, after he had had his hand cut off on the scene of the crime, and been dragged by horses to the place of execution. The Capitouls were then excommunicated by the Official, and the ecclesiastical side of the quarrel was eventually transferred to the Roman Court. Before the Parlement of Paris the University complained of the violation of the Royal privilege exempting scholars' servants from the ordinary tribunals. The Capitouls were imprisoned, and after a long litigation sentenced to pay enormous damages to the ruffian's family and erect a chapel for the good of his soul. The city was condemned for a time to the forfeiture of all its privileges. The body was cut down from the gibbet on which it had been hanging for three years, and accorded a solemn funeral. Four Capitouls bore the pall, and all fathers of families were required to walk in the procession. When they came to the Schools, the citizens solemnly begged pardon of the University, and the *cortége* was joined by 3,000 scholars. Finally, it cost the city 15,000 *livres tournois* or more to regain their civic privileges [1].

Violence of medieval life in general.

It must be remembered that the violent scenes which crowd the records of a medieval University are only an extreme development of the violence which characterizes medieval life in general. It is, however, not so much the frequency of violence which distinguishes medieval society from modern as the status and position of the persons who abused, insulted, challenged, and fought each other like 'roughs' or small boys at school. At the present day, party feeling sometimes runs high, but we do not hear

[1] All the documents are printed by Fournier, I. Nos. 563–589.

CH. XIV. of an ex-Mayor of Cambridge wishing to fight the Chancellor[1]. Scenes of disorder occur in modern Universities, but the Rectors and Professors, Heads and Tutors take no part in them. Sometimes, too, violence of this kind was not merely the act of isolated individuals, however eminent, but the concerted resolution of grave Assemblies. We have seen how at Oxford the bell of S. Mary's was wont to summon the gownsmen to do battle with the town when the bell of S. Martin's was set going by the Mayor. At Paris we find the Norman Nation taking a solemn vote in Congregation as to the propriety of an attack upon another Nation[2]. The attack was voted, with the result that 'one was killed and another mutilated.' Our knowledge of the fact comes to us from a 'dispensation from irregularity' granted to a clergyman, afterwards beneficed, who had voted for what is justly described as 'the war.' It must, however, remain doubtful whether the 'Congregation' described was a Congregation of Masters or of students—possibly the latter.

Drinking Customs.

Bibulosity of medieval life.

The violence of medieval University life was almost equalled by its bibulosity[3]. Even the staunchest teetotaller might well accord a certain toleration to drinking habits in a community which knew not tea, coffee, or tobacco, and in which life, unbrightened by wine or beer, must have been almost intolerably tedious. In this respect, it is true that it is but recently that our English Uni-

[1] Cooper, *Annals*, I. p. 164; Hare MS. (Camb. Archives) II. p. 57.

[2] 'In quadam congregatione scolarium nationis sue in qua fuit istud propositum, utrum placeret illis, qui erant ibi, quod forciores de natione se armarent et invaderent alios de alia natione' (*Chartul. Univ. Paris.* T. II. No. 1072a).

[3] Illustrations without number might be cited from the *Carmina Burana*; the well-known song beginning (p. 69) 'Meum est propositum in taberna mori' may serve as a type. Nothing can exceed the grossness of some of these songs; but the student-poetry of the Middle Age was not all bacchic or erotic or profane. A somewhat unfair impression in this respect is given by the collection translated by J. A. Symonds, *Wine, Women, and Song* (London, 1884).

versities have begun to throw off their medieval traditions: CH. XIV.
there are Universities in which it reigns still. But there can be no better illustration of the nonsense commonly talked about the moralizing and elevating effects—I will not say of education—but of mere instruction than the annals of the medieval Schools. The average medieval scholar was much better instructed, much more cultivated (in so far as purely intellectual training communicates culture) than the mass of the working class can ever be on leaving school. Yet his habits, his manners and moral tone generally were in many ways no better than those of the roughest and most uncivilized classes of modern society. From an evening tour through some of the worst dens and alleys of Seven Dials and Ratcliffe Highway, before the institution of the Metropolitan Police, there might have been gathered some faint conception of what life in a medieval University town must have been like, say at the end of the thirteenth century.

Drinking at Examinations, &c.

To return to the subject of drinking-customs—no important events of life could be got through without drinking. We have already spoken of the mode of celebrating 'jocund advents,' Determinations and Inceptions; and many of the minor steps in the career of a University man were celebrated by feasts and drinking-parties given by the successful and elated candidate[1]. And it was not only after a University exercise but during its progress that the need of refreshment was apt to be felt. Wine was provided for the distinguished visitors to the Schools at Determinations. Many Statutes allude—some by way of prohibition, but not always—to the custom of providing refreshment of the same kind for the Examiners by the Examinees, whether before, during, or after an Examination[2]. One of the main

[1] Thus by a Statute of Ingolstadt there is to be no drinking at the Chancellor's house after the Examination, but it was provided 'ut licentiandus iam de recipienda licentia certificatus det de vino ytalico et speciebus doctoribus . . . et sociis venientibus ad congratulandum ei in loco ameno [? under the trees in front of the suburban wineshop] vel in domo sua' (Prantl, II. p. 66).

[2] Bulæus, IV. 391. Thus at Heidelberg, 'examinandi . . . ipsis temptatoribus nichil cibi aut potus ad locum examinis sive temptationis apportent.' But the Examiners could

CH. XIV. objects for which the Nations existed at Paris was the celebration of 'Feasts,' which began with a solemn Mass and was concluded with a banquet in a neighbouring tavern; from time to time it was long the regular custom of the Nations to consume their surplus revenue by a carouse at the tavern[1]. The fee of the prelate who celebrated on such occasions was paid by a present of wine. The Statutes of many German Universities forbid the Rector to give 'propinationes' at the expense of the University without its consent. A newly elected officer was required to entertain his constituents with 'spiced wine.'

Oaths.

Frequency of oaths.

Another characteristic feature of medieval life, vividly illustrated by the history of the Universities, is the inordinate multiplication of oaths. The tremendous penalties involved by perjury supplied so convenient a sanction for all kinds of rules and regulations that their aid was invoked on the most trifling occasions. Modern common-sense would naturally suggest that, when attendance at lectures was required, such attendance should be secured by calling over the names; in the Middle Ages the natural thing seemed to be to compel the supplicant for a degree to swear that he had attended the lectures. When a regulation was made, it was almost the invariable practice to require the persons affected to swear that they would observe it or that they had observed it. The candidate

not do without refreshment: 'Scilicet ipse pro tempore decanus de facultatis pecuniis potum dare debet prefatis temptatoribus' (Hautz, *Gesch. d. Univ. Heid.* II. p 353). So at Leipsic the candidate is forbidden to treat (*facere propinam*) the Examiners before the examination (Zarncke, *Statutenbücher*, p. 362). But here again they were required to spend their fees as Examiners in 'prandia,' 'balneum intrando' (*ib.* p. 363). So at Ingolstadt, while bribes are forbidden, the Examiners are to receive a knife from each successful candidate in addition to the gloves presented to the rest of the Faculty (Prantl, II. 115). In the medical examinations at Vienna each candidate was required to spend a florin 'pro confectionibus' (Kink, II. p. 163).

[1] The custom was abolished by the English Nation in this year (Bulæus, IV. 674). Cf. *Chartul.* Auct. I. c. 363.

for an Examination had to swear that he would not offer a bribe to the Examiner; the Examiner had to swear that he would not receive one. The candidate had moreover in some Universities to swear not to wreak his vengeance by knife or dagger upon a 'ploughing' Examiner[1]. The authority of every officer was enforced by an oath of obedience. The graduate was sworn in detail not to do almost all the things that previous University legislation had forbidden. College servants, like the retainers of great households, were sworn to obey their masters[2]. In earlier University legislation nearly every prohibition was made under penalty of excommunication or at least of incurring the guilt of perjury. It is instructive to observe in later statutes and ordinances a growing disposition to substitute written certificates for corporal oaths, and pecuniary penalties for spiritual terrors. It was found that practically a fine of half a crown was more deterrent than the most tremendous denunciations of postumous vengeance, or of spiritual penalties in this life which depended for their enforcement upon the scrupulosity of the penitent and the severity of the Penitentiary or the Confessor[3].

Prevalence of perjury.

We need not go back to medieval history to illustrate the fact that an unwavering acquiescence in the reality of supernatural terrors may at times exercise but little deterrent effect upon the ordinary life of believers. It is only in the hour of death that such terrors really appeal to the imagination of the worst men: and in youth and health men do not think they are going to die. Yet the close juxtaposition of superstition and the grossest irreverence is a rather startling feature of medieval student-life. When we

Irreverence and superstition.

[1] So at Leipsic. Zarncke, *Statutenbücher*, p. 322.

[2] E. g. at the Coll. de Plessis. Félibien, III. p. 387.

[3] A late Paduan Statute runs as follows: 'Primo ne tota universitas nostra pereat ac deinceps scholares periurii atque falsarii et infames habeantur, statuitur quod ubicunque invenitur poena periurii in statutis, loco periurii ponatur poena quinque librorum et privationis uocis per annum' (*Stat. Artist. Achad. Patav.* f. xxxii *b*). An Oxford Statute of 1432 speaks of 'poena pecuniaria his diebus, ceteris plus timorosa' (*Mun. Acad.* p. 305), with reference to the futility of excommunication.

CH. XIV. are shocked at some of the secular things that medievals did in churches which were supposed to be in the most material sense the dwelling-place of Deity, the superstition may sometimes perhaps be with us as much as with them. But it is strange to find that it should have been necessary for William of Wykeham to forbid dancing in his College Chapel [1]. And it is difficult to believe that, in the century which witnessed the final triumph of the dogma of transubstantiation, it should have been necessary to denounce excommunication against students who played dice upon the very altars of Notre Dame de Paris by way of giving a finish to the dancing and singing processions in the public streets with which the Feast of a Nation used to be celebrated [2].

Playing dice on altars.

State of Morality.

Jacques de Vitry's testimony.

A still darker side of medieval University life must be glanced at if the reader is to be presented with a faithful picture of things as they were. The *locus classicus*, as it may be called, on the subject of student immorality in the Middle Ages is a passage of Jacques de Vitry. Often as it has been quoted, it may be well to reproduce it once more in the original language:—

'Tunc autem amplius in clero, quam in alio populo, dissoluta, tanquam capra scabiosa et ouis morbida, pernitioso exemplo multos hospites suos undique ad eam affluentes, corrumpebat, habitatores suos deuorans, et secum in profundum demergens. Simplicem fornicationem nullum peccatum reputabant: meretrices publice ubique per vicos et plateas ciuitatis passim ad lupanaria sua clericos transeuntes quasi per violentiam pertrahebant. Quod si forte ingredi recusarent, confestim eos sodomitas post ipsos conclamantes dicebant. Illud enim foedum et abominabile vitium adeo ciuitatem, quasi lepra incurabilis et venenum insanabile, occupauerat, quod honorificum reputabant, si quis publice teneret unam vel plures concubinas. In una autem et eadem domo schole erant superius, prostibula inferius. In parte superiori magistri legebant, in inferiori meretrices officia turpitudinis exercebant. Ex una parte meretrices inter se, et cum lenonibus litigabant; ex alia parte disputantes et contentiose agentes clerici proclamabant.'

. . . . . .

'Non solum autem ratione diuersarum sectarum, vel occasione dispucionum sibi inuicem aduersantes contradicebant; sed pro diuersitate

[1] See above, p. 672.

[2] Bulæus, III. p. 432; *Chartul.* T. I. pt. i. No. 470. It is characteristic of the time that the offence is aggravated by being described as 'non sine nota heretice pravitatis.'

regionum mutuo dissidentes, inuidentes et detrahentes, multas contra se contumelias et opprobria impudenter proferebant, Anglicos potatores et caudatos affirmantes: Francigenas superbos, molles et muliebriter compositos asserentes: Theutonicos furibundos, et in conuiuiis suis obscenos dicebant: Normannos autem inanes et gloriosos: Pictauos proditores et fortune amicos. Hos autem qui de Burgundia erant, brutos et stultos reputabant: Britones autem leues et vagos iudicantes, Arturi mortem frequenter eis obiiciebant. Lombardos auaros, malitiosos et imbelles: Romanos seditiosos, violentos et manus rodentes: Siculos tyrannos et crudeles: Brabantios viros sanguinum, incendiarios, rutarios et raptores: Flandrenses superfluos, prodigos et comessationibus deditos et more butyri molles et remissos, appellabant. Et propter huiusmodi conuitia de verbis frequenter ad verbera procedebant[1].'

Before drawing too sweeping inferences from this passage, some deductions must be made. Jacques de Vitry was a mystic, a monk, and a preacher of an impassioned, not to say fanatical type. He habitually paints the morals of his age in the darkest colours. It must, moreover, be observed that there were special circumstances which account for some of the most revolting features in the picture. In the early years of the thirteenth century the Schools were confined by the action of the capitular authorities to the densely-crowded streets of the Island round Notre Dame[2]. The habitation of the sons of the prophets, as the Masters themselves proclaimed, was too narrow for them. When the Quartier Latin had enlarged its borders and the *vicus stramineus* had become the centre of academic Paris, we may believe that quite such open violations of external decency could hardly have been the rule. But there is, unfortunately, only too much evidence that de Vitry's picture of the scholastic life of his age, if exaggerated, is not fundamentally untruthful[3]. In this respect, as in others, it is probable, however, that a considerable improvement was effected by the stricter discipline of the Colleges and Halls towards the close of our period.

[1] *Hist. Occidentalis*, Duaci, 1596, pp. 277–279. Perhaps the fact that a Master (*collegiatus*) should boldly complain to the Faculty against a Bachelor for assaulting his 'focaria' (*Mon. Univ. Prag.* III. p. 79) will illustrate the prevalent low standard in such matters as well as any more highly coloured denunciation. This was in 1499.

[2] But see above, vol. I. p. 279.

[3] A less suspected witness against the morals of Paris is Roger Bacon, *Op. Ined.*, ed. Brewer, p. 412.

CH. XIV.

Intellectual Enthusiasm.

Intellectual enthusiasm.

The character of any age, any country, any class, may no doubt be made to look very black indeed by the historian who does nothing but summarize its vices. But where are we to turn for materials to aid us in reproducing the brighter side of University life in the Middle Ages? The nobler deeds of active life may at times find their 'vates sacer': the life of the virtuous student has no annals. If we want to appreciate the nobler side of medieval scholastic life, we must contemplate the enormous intellectual enthusiasm which characterized its best period. The monastic ideal had consecrated study so long only as it moved in a very narrow groove. Secular knowledge was in the strictest sense the mere handmaid or rather the mere bondslave of Theology: and Theology meant simply the interpretation of the text of Scripture and the authoritative *dicta* of Fathers or Church. The intellectual revolution of the twelfth and thirteenth centuries threw open to the student the whole range of Science in so far as it was covered by the newly discovered treasures of Greek Science, Medicine, and Philosophy, and by the monuments of ancient Roman Jurisprudence. Theology remained Queen of the Sciences, but a grander and nobler conception of Theology arose—a conception which the modern world, alas! has all but lost. Theology became not the mere Chinese Mandarin's poring over sacred texts, but the architectonic science whose office it was to receive the results of all other sciences and combine them into an organic whole, in so far as they had bearings on the supreme questions of the nature of God and of the Universe, and the relation of man to both. However much the actual methods and systems of the Schoolmen fell below the grandeur of their ideal, the ideal was one which cast a halo of sanctity over the whole cycle of knowledge. The merely external and almost accidental connexion of the Universities with the ecclesiastical organization of the

Medieval ideal of Theology.

Western Church contributed to the same result. The interests of Learning became associated, if not identified, with the interests of the Church: the pursuit of knowledge became an end in itself: a disinterested intellectual enthusiasm became an element of the Churchman's ideal. So far from knowledge being valued only as a means to immediate edification and sacerdotal equipment, the educational blunder of the age lay rather in the opposite direction; the subjects of the Churchman's education (if we except the narrowing and somewhat demoralizing study of Law) had too little to do with his future work in life, either on its secular or its religious side. The great work of the Universities was the consecration of Learning: and it is not easy to exaggerate the importance of that work upon the moral, intellectual, and religious progress of Europe.

The consecration of Learning.

Some reserve is of course demanded in applying general reflections of this kind upon the character of an age, its institutions, and its ideals, to the ordinary life of its average representatives. The earnest students were probably—except perhaps in the age of Abelard or in the very first flush of the Aristotelian Renaissance—a minority. Yet there must have been an immense mass of real intellectual enthusiasm for the development of a University to become possible. If we have any adequate appreciation of what a journey over half Europe, or even half England, meant to a poor man in a semi-civilized age, the movement which brought hundreds or thousands of men and boys to the great centres of enlightenment will seem at least as noteworthy, as epoch-making a movement, as the stir in the active life of the period which produced the Crusades. Undoubtedly this wild outburst of intellectual ardour which marked the age of Abelard cooled very rapidly as it crystallized into the institutional machinery of the University system. Yet the very absence of discipline, of compulsion, of domestic supervision in these Universities of boy-students, the very ease with which (quite early in their history) degrees were obtained, the very laxity of discipline which has so often surprised us in the earlier portions of our narrative, testify

The average student.

CH. XIV. to the existence of vast numbers of real students, or the machine could never have gone on as it did. The literary productivity of the Universities is another piece of evidence tending to the same result. A University that is intellectually alive is not likely to be educationally inefficient. The almost superhuman diligence, the extraordinary concentration of reasoning power, the laborious subtlety of the great Schoolmen must have had their fainter counterparts in vast numbers of keen and active and industrious brains. And it is to the moral discipline which all earnest intellectual work carries with it that we must look for the chief surviving evidences of a nobler life than that which is revealed to us by the brawls and the follies and the sensualities of University life—those light things which the stream of time has carried along on its surface and laid in almost bewildering abundance at the feet of the modern wanderer by its shores.

The Universities and the Crusades.

That newborn ardour in the pursuit of 'the pearl of Science' which ushers in the University epoch has been already compared to the great outburst of crusading enthusiasm. The parallel is instructive in more ways than one. To suppose that every student of the twelfth or early thirteenth centuries, even if he were one of those who faced toil and privation in the effort to graduate at Paris or at Oxford, was moved by pure and disinterested enthusiasm for knowledge would be as absurd as to see a saint or a hero in every impecunious Baron or soldier of fortune who fought for the Cross beneath the walls of Acre or of Damascus. The spirit of adventure, the desire to see the world, the ambition for distinction and promotion, even the baser thirst for booty, entered as largely into the motives of the average student as into those of the average Crusader. Indeed, to the ambitious youth of the thirteenth century whose soul rebelled against the narrow limits of his native manor, his native farm, or his native shop, or against the still humbler lot to which numerous brothers might condemn a younger son, there were but two avenues of advancement open. For the man of sinew and of courage War offered chances:

though to the humbly born the chances were small, at least in the first half of our period. To the boy conscious only of brains and energy the Universities brought all the glittering prizes of the Church within the limits of practicable ambition: and, even apart from prizes, learning and academic position secured social status. As time went on, as the Universities passed into the ordinary machinery of the ecclesiastical system and increased in number, the more romantic motives which had influenced the hearers of Aquinas and Grossetête passed more and more into the background, and the Universities became simply the ordinary door to clerical preferment [1].

Aims and prospects of University students.

Mixture of motives.

The brilliant pictures which imaginative historians have sometimes drawn of swarms of enthusiastic students eagerly drinking in the wisdom that fell from the lips of famous Masters have perhaps somewhat blinded us to the fact that the motives which drove men to the University exhibited much the same mixture and much the same variety as they do now. The pleasures of a University town bore their part in filling the Halls. The picture which has been drawn of the life that went on in them may not commend itself to the imagination of an age remarkable above all other ages for its ingenuity in the discovery of new amusements. But, at all events, in a great University then as now men of the most widely different tastes and interests, found, in a perfection rarely elsewhere obtainable, what is to most men the condition of all other pleasures—an abundance of varied, congenial, but not exacting society. The principle 'nullius boni sine socio iucunda possessio' was nowhere better understood than in a medieval University. This motive was especially operative with those large

[1] By the Statutes of some of the German Chapters, study or graduation at a University was made a condition of enjoying the full rights of a Canon, with or without exception in favour of 'de militari genere procreati.' For instances, see Paulsen in Sybel's *Hist. Zeitschrift*. T. 45, p. 309 *sq*.

CH. XIV.

numbers of older men who got leave of absence from their benefices under pretext of study in the Universities. To such men the good company, the excitements, the license of a University town afforded a welcome relief from the monotonous routine of the Cathedral close or the isolation of a country living[1]. To the great mass of the younger students, however, the University was simply the door to the Church: and the door to the Church at that time meant the door to professional life. The key to a right idea of the relation of the northern Universities to the Church lies in an appreciation of this fact. In southern Europe it was otherwise. Where the law of the country was more or less entirely based upon the Civil Law (as was the case over most of Europe), the Universities were the ordinary places of education for the great legal profession, which in the South was in the main a lay profession. In Italy a degree in Civil Law was the passport to lay public employment of every description; while the medical profession was at once more important and less clerical than in England or northern France.

The Church and the professions.

In the North of Europe the Church was simply a synonym for the professions. Nearly all the civil servants of the Crown, the diplomatists, the secretaries or advisers of great nobles, the physicians, the architects, at one time the secular lawyers[2],

[1] Cf. a Statute of Caen in 1439: 'Plerumque multi diversorum statuum sepe nituntur ad studia, non causa proficiendi, transire sicut nonnulli abbates, priores, curati, viri ecclesiastici, seculares etiam et plures uxorati, mercatores, mechanici et alii inepti ad litteras, sed ea solum intentione ut fraudent ecclesias divinis obsequiis, cessent ab obedientia suorum superiorum, et eximentur a juridicione eorumdem, vexent indebite per citationes pauperes, simplices, absolvantur a tailliis et subventionibus regiis, juridictionem tam ecclesiasticorum quam secularium dominorum effugiant et perturbent facientes diversos transportus fraudulentos [i. e. engaging in commercial transactions under cover of exemptions from tolls, &c.] et similia committentes juri dissona et statui ecclesiastico penitus contraria' (Fournier, III. No. 1652).

[2] According to Pulling (*Order of the Coif*, p. 11), it was not till the middle of the thirteenth century that ecclesiastics were finally banished from the Common-law bar and bench in England, but even after this it is probable that the bar was often recruited from clerks educated at the Universities, and at times in minor orders which conferred no indelible 'character.'

all through the Middle Ages the then large tribe of ecclesiastical lawyers, were ecclesiastics. It is true, as has been already pointed out, that clerkship did not necessarily involve even minor orders. But, as it was cheaper to a King or a Bishop or a temporal magnate to reward his physician, his legal adviser, his secretary or his agent by a Canonry or a Rectory than by large salaries, the average student at Oxford or Paris—however little he might be looking forward to priestly duties as the real work of his life—generally contemplated holy orders as his eventual destination[1]. To the non-noble scholar ecclesiastical promotion could hardly come except through some of these secular professions. If he continued to reside and teach in the University, he might in time get a prebend or a living by means of the *rotulus beneficiandorum* and Papal provision: or University distinction might directly recommend him for the highest preferment. A Chancellor of Oxford, for instance, was often made a Bishop. Ecclesiastical reformers complained loudly of the way in which the Universities were thronged by beneficed ecclesiastics hanging on in search of better preferment. But if they left the University, there was, as I have said, little chance for most men in the way of advancement except through secular work. A Priest who had secured an important Cathedral dignity might indeed, even in the retirement of his close, obtain a professional reputation, and so rise higher by favour of a Chapter or a Bishop. But a young man who took a country living or a parochial chaplaincy and devoted himself to the discharge of his spiritual duties would inevitably have remained 'not dead but buried' for the rest of his days. The idea of making a man a Bishop or

Payment by benefices.

The Universities a road to preferment.

[1] By Canon Law, minor orders were sufficient to enable a clerk to hold a benefice, without the inconvenience of being bound to the recitation of the canonical hours, though incumbents of benefices with cure were compelled to take Priest's orders within a year after attaining the proper age. But dispensations were very freely given to clerks in the service of Kings or magnates, and to students in the Universities. Many Canonries could be permanently held by Deacons or Subdeacons.

CH. XIV. an Archdeacon on account of his zeal, his energy, and his success in the humble round of parochial duty is one which would hardly have occurred to sensible men in medieval times[1]. If a King had a mind for a saintly prelate, his choice would have fallen in the twelfth century on a monk and in the thirteenth on a friar or a noble or an academic Doctor who had a reputation for piety as well as for learning. Secular Bishops were usually, especially in England, respectable men even in their youth, and still more often devout enough in their old age, but their sees were rarely won either by devoutness or by pastoral activity. The professional work of the higher clergy consisted almost entirely in ecclesiastical administration, for which the study of Canon Law was considered the most important qualification[2]. The intermediate grade of clergy were for the most part content with a degree in Arts. The lowest class—the Curates or Vicars of absentee Rectors, the Vicars of impropriated Churches, the Parochial Chaplains and Chantry Priests, the great tribe of Priest-Vicars, Secondaries, Annuellers, and other very 'inferior' clergy who swarmed in amazing numbers round the precincts of the great Cathedrals—of these it is probable that only a small proportion had a University degree: many could never have been at a University at all[3]. And, indeed, for most

No Theology for the mass of clergy.

[1] Cf. the complaints of Clemangis as to the large number of idle absentees who crowded the Universities (in Bulæus, IV. p. 891): 'Et tamen cum hodie turbam Magistrorum cernamus, quorum pauci sunt, qui non curandas oues susceperint; cuncti pene in studiis ætatem conterunt.' If they retired to their benefices, they think they would get no further promotion: 'in locis autem studiorum multi ad opulentiorem sortem aditus patent.... Portantur Rotuli, quæruntur ad Curiam legationes Principum.' And even when they did, this is his picture of their pastoral activity: 'Quis in universo regno, nisi forsitan tu ille es' (he says to his correspondent), 'qui gregem suum pascere curet aut etiam nouerit, immo qui lana et lacte non assidue spoliet' (Clemangis, *Opera*, Lugduni Batav. 1613, II. p. 339 *sq.*).

[2] Gerson, *De Examinatione Doctrinarum* (*Opera*, I. p. ii). Cf. Péries, *Fac. de Droit dans l'anc. Un. de Paris*, p. 17.

[3] Probably many had been for some short period at a University without taking a degree. This is proved by the large numbers of the

of such duties as these men had to perform academical learning was hardly required; it was enough if they knew the Breviary by heart and could sing a mass. Even for the Parish Priest with cure of souls 'pastoral' or 'spiritual' duties, over and above those of a purely mechanical nature, meant mainly two things—preaching and hearing confessions. A Priest who had not had a theological education as a rule considered himself incapable of preaching: the silencing of the pulpits was one of the effects of the passion for the Canon Law on the one hand, and for the Scholastic Philosophy on the other, those effects being still further aggravated by the enormous expenditure of time required for a theological course by the University system. For the hearing of confessions the Artist Priest was equally untrained. Hence the really effective discharge of pastoral functions and the popular influence attaching to these functions was almost wholly abandoned to the Mendicants, among whom alone systematic theological training was enforced as a preliminary to the Priesthood. The consequences of this abandonment can hardly be adequately expressed in a few sentences. While the Mendicants were the best educated and the most active body of working clergy, while—at least in their earlier days—they absorbed into their ranks nearly all the religious enthusiasm which was to be found in the clerical order, they were also the most conservative, the least progressive, the most ultramontane, and the most disposed to encourage every species of lucrative charlatanry and popular superstition. It is curious to reflect how largely the survival from the Middle Ages of the traditions of secular University education for the secular clergy, surviving to our own day, accounts alike for the liberal culture, the social influence, and the somewhat low standard of theological attainment

Universities compared with the comparatively small proportion of graduations. As to the rest, I know of little direct evidence. One must draw one's own inferences from, on the one hand, the large numbers of University students, and, on the other hand, the appalling ignorance—especially theological—of the clergy at the time of the Reformation.

CH. XIV. by which, as a body, the Anglican clergy in recent times have usually been characterized.

The Mendicants and the Seculars.

The comparison which has been instituted between the Mendicants and the secular clergy requires some qualification as regards the last half of our period. The increasing corruption of the Mendicant Orders produced by the middle of the fourteenth century a reaction in favour of their secular rivals. Chaucer's ideal clergyman was a Secular, whatever foundation there may be for the tradition that John Wycliffe himself formed the model for his portrait. This turn of the tide did not lead to any very widespread improvement in the moral tone or the pastoral efficiency of the parochial clergy as a body; but it probably did lead to not a few earnest men remaining in their ranks who would infallibly have become Friars had they lived a century earlier. The Wycliffite and Hussite movements differed from previous revivals above all in being secular movements. Indeed, the Reformation itself, though (as it chanced) inaugurated by a secular Master who had turned Friar, was from one, and that not the least important point of view, simply a restoration to its ancient dignity of the parochial pastorate.

Religious Education.

No 'religious education' for Artists.

In view of current misconceptions as to the 'religious' character of the medieval Universities, it may not be amiss to point out how little 'religious education' the medieval University supplied for the future Priest. Except in so far as it taught him to construe his Breviary and qualified him to read a provincial constitution or an episcopal mandate in Latin, there was no relation between the studies of the Artist and the work of the ecclesiastical order. That education might be a good—even an indispensable—foundation for the studies of the Theologian; but in a large majority of cases that foundation must have remained with little or no superstructure. Even when College foundations had multiplied, but a small minority of the clergy could

have obtained theological fellowships or bursaries within their walls. Outside the Colleges, the wealthier and more ambitious students betook themselves to Canon Law rather than to Theology; the poorer must usually have left the University with a degree in Arts or with no degree at all, and consequently without even the rudiments of a theological education. Theological knowledge the Artist had none, except what he might perchance have picked up at a University sermon. It is indeed a mistake to suppose that the medieval Church, at least in England, up to the reaction against Wycliffism, was actively opposed to Bible-reading even on the part of the laity; still less would it have had any disposition to interfere with it in clerks at the University. But a student in Arts would have been as little likely to read the Bible as he would be to dip into Justinian or Hippocrates[1]. Much astonishment has sometimes been expressed at Luther's 'discovery' of the Bible at the Convent Library of Erfurt. The real explanation of his previous ignorance of its contents is that Luther entered the Order a Master of Arts who had never studied in a theological Faculty. Even the highly educated secular Priest, who was not a Theologian, or at least a Canonist[2], was not supposed to know anything of the Bible but what was contained in his Missal and his Breviary[3]. So much party capital has at times been made out of the supposed 'religious' character of the medieval Universities that it is necessary to assert emphatically that the 'religious education' of a 'bygone Oxford,' in so far as it ever had any existence, was an inheritance not from

Luther and the Bible.

[1] A good illustration of this occurs in a Franciscan constitution of *circa* 1292: 'Nullus frater Bibliam vel Testamentum de elemosina habeat, nisi sit ad studium aptus vel ad predicandum ydoneus' (*Chartul. Univ. Paris.* T. II. No. 580).

[2] As the Bible was one of the sources of Canon Law, we do occasionally hear of the Canonist attending lectures upon it, though the Faculties do not appear to have required such attendance. But he wanted little more than a knowledge of texts to introduce into the pious preambles of legal documents.

[3] It is true that till he became Friar, Luther had some difficulty in even getting access to a copy of the *whole* Bible, and that a Doctor of Divinity might be grossly ignorant even of the New Testament.

CH. XIV. the Middle Ages but from the Reformation. In Catholic Europe it was the product of the counter-reformation. Until that time the Church provided as little professional education for the future Priest as it did 'religious instruction' for the ordinary layman. Seminaries for the Priest, Catechisms, and careful preparation for first communion, whether at the Universities or elsewhere, are the product of the counter-reformation, not of the Middle Age. The whole medieval University system, even the College system in the developed form which it had attained by the end of the fifteenth century, was about as unlike the modern Seminary as anything that can well be imagined. If in one sense the Seminary system is the great weakness of modern Romanism, in another it is its strength. It does at least secure careful religious and moral training and competent professional knowledge for the future Priest; and this is just what the medieval University system hardly attempted to do.

Ordination Examinations.

Not only the Universities but even the Bishops seem, in so far as they required any real standard of learning from candidates for holy orders, to have insisted mainly on secular learning. The Founder of a College at Avignon forbids his scholars to proceed to Priest's orders till they had acquired a knowledge of Physics and Metaphysics and had had adequate practice in disputation and maintaining conclusions. The only piece of religious knowledge prescribed is the first (and mainly philosophical) part of S. Thomas' *Summa Theologiae*. The Deacon must have studied the Logic of Petrus Hispanus and the 'Old Logic' of Aristotle. The Sub-deacon was required merely to know the *Doctrinale* of Alexander de Villa Dei, and the work of the Renaissance Grammarian Perotus[1]. A Bishop is said to have been degraded for being ignorant of Donatus: it may be doubted whether it could be shown that any one in medieval times was ever refused ordination—much less degraded when already ordained—for any

[1] Fournier, II. No. 1399 (1491–4 A.D.).

degree of religious or theological ignorance which was not incompatible with ability to say Mass.

Value of a Medieval Education.

Educational value of a study distinct from intrinsic value.

What was the real value of the education which the medieval University imparted? That is quite a different question of course from the question of the intrinsic importance of the scholastic Theology and Philosophy, or again of medieval Jurisprudence and Medicine, in the history of thought; just as the intrinsic value of Greek Literature and Philosophy to the world is quite a distinct problem from the educational value of an ordinary classical education to the average boy. It is true that the problems are not unconnected, and it may sometimes be a melancholy necessity that to enable one man to study a subject with effect a dozen should be doomed to study it without profit. But for the present it is the educational value of the medieval University system that is in question.

Incompetence and neglect of teachers.

To the modern student, no doubt, the defects of a medieval education lie upon the surface. The external defects of the University organization have already been incidentally noticed. In the older University system of northern Europe there is the want of selection and consequent incompetency of the teachers, and the excessive youth of the students in Arts. In the higher Faculties too we have encountered the constant effort on the part of the Doctors to evade the obligation of teaching without surrendering its emoluments, while the real teaching devolved upon half-trained Bachelors. It is, indeed, in the Student-Universities that the chairs would appear to have been most competently filled and their duties most efficiently discharged; in medieval times students were more anxious to learn than teachers were to teach. In the earlier period again there was an utter want of discipline among students who ought to have been treated as mere schoolboys. The want was partially corrected by the growth of the College system, but the improvement in

CH. XIV.

No classification of students.

this respect was balanced by the decay and degradation in the higher intellectual life of the Universities. The Englishman, accustomed to divide all human intellects by the broad line which separates the 'passman' from the 'honourman,' will further notice a want of classification in the system[1]. The *Organon* and the *de Anima* must probably have been above the heads of a very large proportion of the mere schoolboys who were set down to them. It is perhaps to this cause (the want of funds was another) that we must attribute the very small proportion of students who ever attained even the B.A. degree, in spite of the mildness of medieval Examiners. There is considerable reason to believe that in the Middle Ages a larger proportion than at the present day of the nominal students derived exceedingly little benefit from their University education.

'Oxoniam multi veniunt, redeunt quoque stulti.'

In the earlier part of our period this must have been peculiarly the case, when so little exertion on the part of the student himself was required. A man was allowed year after year to sit through lectures of which he might not understand one word; later on this defect was partly remedied by the multiplication of 'exercises' in College and Hall.

Too dogmatic and too disputatious.

For the fairly competent student the main defects of a medieval education may be summed up by saying that it was at once too dogmatic and too disputatious. Of the superstitious adherence to Aristotle or other prescribed authority sufficient illustrations have already been given. It is of course a direct outcome of the intellectual vice of the age—a vice of which the human mind was by no means cured by the Renaissance or the Reformation. It lasted longest where it was most out of place. In the middle of

[1] Foreign Universities seem to experience no such need—probably because a large proportion of our passmen have no business in a University at all, and would not be admitted to one in Germany: but the German system does, no doubt, compel men to write dissertations who would be better employed in reading for a Pass or a Fourth in History.

the seventeenth century a Doctor of Medicine was compelled by the English College of Physicians to retract a proposition which he had advanced in opposition to the authority of Aristotle under threat of imprisonment. It may seem a contradiction to allege that this education by authority was at the same time too controversial. Yet the readiness with which the student was encouraged to dispute the thesis of a prescribed opponent, and the readiness with which he would swear to teach only the system of a prescribed authority, were but opposite sides of the same fundamental defect—the same fatal indifference to facts, the facts of external nature, the facts of history, and the facts of life. Books were put in the place of things. This is a defect which was certainly not removed by the mere substitution of Classics for Philosophy. If in medieval times words were often allowed to usurp the place of things, they were not allowed to usurp the place of thought. For a moment no doubt the human mind was brought into real and living contact with a new world of thought and action, of imagination and art, of literature and history, by the 'New Learning': but ere long Classical education in turn became almost as arid and scholastic—as remote from fruitful contact with realities—as the education of the Middle Ages. The history of education is indeed a somewhat melancholy record of misdirected energy, stupid routine, and narrow one-sidedness. It seems to be only at rare moments in the history of the human mind that an enthusiasm for knowledge and a many-sided interest in the things of the intellect stirs the dull waters of educational commonplace. What was a revelation to one generation becomes an unintelligent routine to the next. Considered as mere intellectual training, it may be doubted whether the superiority of a Classical education, as it was understood at the beginning of this century, to that of the medieval Schools was quite so great as is commonly supposed. If in the Scholastic age the human mind did not advance, even Macaulay admits that it did at least mark time. The study of Aristotle and the Schoolmen must have been a better

Indifference to fact.

Scholasticism and Classicism.

CH. XIV.

training in subtlety and precision of thought than the exclusive study of a few poets and orators. However defective its methods of achieving that end, the Scholastic education at least aimed at getting to the bottom of things[1], although Renan (who gives it this praise) has also pointed out the supreme defect of Scholasticism when he says that its method was incapable of expressing 'nuances,' while truth lies in the 'nuances.' But as a practical training in readiness and facility of expression the habit of disputation may have been quite as valuable an exercise as the practice of construing and composition, though the dialect acquired was different enough.

The fourteenth century and the eighteenth.

It is surprising how little the intellectual superiority of the eighteenth century over the fourteenth impressed itself upon the course of ordinary School and University education, especially in this country. That on the whole a good eighteenth-century education was healthier, more stimulating, and more rational than a good fourteenth-century education need not be denied; but our intellectual advance since the medieval period had less to do with the improvement in the substance or the method of education than the academic world complacently imagined. It was in the main what he picked up out of School and Lecture-room that differentiated the educated man of the eighteenth century from the educated man of the fourteenth.

Value of education largely independent of subjects taught.

But, because it is easy enough to pick holes in the education of the past, it must not for one moment be supposed that the education either of the scholastic or of the ultra-classical period was of little value. Up to a certain

[1] 'Pour moi, qui crois que la meilleure manière de former des jeunes gens de talent est de ne jamais leur parler de talent ni de style, mais de les instruire et d'exciter fortement leur esprit sur les questions philosophiques, religieuses, politiques, sociales, scientifiques, historiques; en un mot, de procéder par l'enseignement du fond des choses, et non par l'enseignement d'une creuse rhétorique, je me trouvais entièrement satisfait de cette nouvelle direction' (*Souvenirs d'enfance et de jeunesse*, Paris, 1883, pp. 253–4). Such is Renan's testimony to the semi-scholastic education of the Seminary at Issy as compared with the classical education under Dupanloup which he had left.

point—and this is the one consolation to the educational historian—the value of education is independent either of the intrinsic value or of the practical usefulness of what is taught. The intelligent modern artisan educated at a Board-school or the half-educated man of the world possesses at the present day a great deal more true and useful knowledge than a medieval Doctor of Divinity. But it can on no account be admitted that this puts the uneducated man of modern times on a level with the educated man of the Middle Ages. And the educated man—the man who has spent many of his maturer years in subtle and laborious intellectual work—will generally show his superiority to the uneducated man even in the most severely practical affairs of life when once the former comes seriously to apply himself to them. It was emphatically so in the Middle Ages. Kings and princes found their statesmen and men of business in the Universities — most often, no doubt, among those trained in the practical Science of Law, but not invariably so. Talleyrand is said to have asserted that Theologians made the best diplomatists. It was not the wont of the practical men of the Middle Ages to disparage academic training. The rapid multiplication of Universities during the fourteenth and fifteenth centuries was largely due to a direct demand for highly educated lawyers and administrators. In a sense the academic discipline of the Middle Ages was too practical. It trained pure intellect, encouraged habits of laborious subtlety, heroic industry, and intense application, while it left uncultivated the imagination, the taste, the sense of beauty—in a word, all the amenities and refinements of the civilized intellect. It taught men to think and to work rather than to enjoy. Most of what we understand by 'culture,' much of what Aristotle understood by the 'noble use of leisure,' was unappreciated by the medieval intellect. On the speculative side the Universities were (as has been said) 'the school of the modern spirit[1]': they taught men to

Medieval education a training for life.

[1] Kaufmann makes the remark of Scholasticism: it may be extended to the whole work of the Universities.

CH. XIV.

reason and to speculate, to doubt and to inquire, to find a pleasure in the things of the intellect both for their own sake and for the sake of their applications to life. They dispelled for ever the obscurantism of the Dark Ages. From a more practical point of view their greatest service to mankind was simply this, that they placed the administration of human affairs—in short, the government of the world—in the hands of educated men. The actual rulers—the Kings or the aristocrats—might often be as uneducated or more uneducated than modern democracies, but they had to rule through the instrumentality of a highly educated class.

Prominence of legal study.

In criticizing medieval culture and education, attention is sometimes too much confined to the Scholastic Philosophy and Theology. The Scholastic Philosophy and Theology do, indeed, represent the highest intellectual development of the period. But they do not represent the most widely diffused or the most practically influential of medieval studies. Law was the leading Faculty in by far the greater number of medieval Universities: for a very large proportion of University students the study of Arts, in so far as they pursued it at all, took the place of a modern school rather than of a modern University. From a broad political and social point of view one of the most important results of the Universities was the creation, or at least the enormously increased power and importance, of the lawyer-class. Great as are the evils which society still owes to lawyers, the lawyer-class has always been a civilizing agency. Their power represents at least the triumph of reason and education over caprice and brute force. Lawyers have moderated or regulated despotism even when they have proved its most willing tools: just as in modern democratic communities their prominence must be looked upon as an important conservative check upon democracy[1].

The Universities created the lawyer-class.

Political importance

Over the greater part of Europe the influence of the Universities meant more than this. It brought with it the

[1] Cf. the remarks of Prof. Bryce, *The American Commonwealth*, 1888, T. III. p. 376 *sq.*

increasing modification of legal and political institutions by the Roman Law, whether directly or through the Canon Law, whether by avowed adoption or by gradual and unconscious infiltration and imitation. This too was a civilizing agency, though here again an increase of civilization had often to be bought by a decline of rude, barbaric liberty. Our own country is here the exception which proves the rule. Our own Universities are differentiated from those of the rest of the world by the small extent to which they have been, or still are, places of professional education. How far the different course which the development of our institutions has taken as compared with those of the Continent, and the large measure of Germanic liberty which they retained, are due to the absence of Civilian influence, is an inquiry which has perhaps been too much neglected by our constitutional historians. It must not be supposed, indeed, that even in England the influence of the Universities upon our institutions has been small. To say nothing of the considerable infiltration of the Roman through the Canon Law into English Law and still more into English Equity, the Common Law escaped the modifications which nearly every legal system in Europe underwent at the hands of University-bred lawyers only by the creation of a rival Legal Science, and even of a virtual University of English Law in London, which would hardly have been possible but for the example supplied by the Roman Law and its academic Professors.

Influence of Roman Law-studies in Universities.

England and the Roman Law.

Present influence of Medieval University Institutions.

It is more directly relative to our subject to examine what have been the effects of the medieval Universities upon our modern educational system. The genius of the Middle Age showed itself above all in the creation of institutions. The institutions of the Middle Age are greater—they may prove more imperishable—even than its Cathedrals. The University is a distinctly medieval

The University a medieval conception.

CH. XIV. institution. By that is implied not merely that in the most altered and the most modern of the Schools so called there are customs, offices, titles, for the explanation of which we must go back to the history of the thirteenth century with its Guild movement, its Cathedral Schools, and especially its great struggle between the Chancellor of Paris and the Society of Masters. The very idea of the institution is essentially medieval, and it is curious to observe how largely that idea still dominates our modern schemes of education. Persons to whom the term 'medieval' is synonymous with 'ideal,' and those with whom it is a term of abuse, agree in the assumption that Universities must exist. And yet they did not exist in the most highly cultivated societies of the ancient world. It is entirely misleading to apply the name to the Schools of ancient Athens or Alexandria. If higher education is to exist, there must obviously be teachers to impart it, and it is likely that particular places will become famous for particular studies. But it is not necessary that the teachers should be united into a corporate body enjoying more or less privilege and autonomy. It is not necessary that the teachers of different subjects should teach in the same place and be united in a single institution—still less that an attempt should be made to make the teaching body representative of the whole cycle of human knowledge. It is not necessary that studies should be grouped into particular Faculties, and students required to confine themselves more or less exclusively to one. It is not necessary that a definite line of study should be marked out by authority[1], that a definite period of years should be assigned to a student's course, or that at the end of that period he should be subjected to examination and receive, with more or less formality and ceremony, a title of honour. All this we owe to the Middle Ages. Similar needs might no doubt in course of time have independently

[1] This is, of course, less completely the case in some continental Universities than among ourselves. Prescribed *books* are a *very* medieval institution.

evolved somewhat similar institutions in a somewhat different form. But, in the form in which we have them, teaching corporations, courses of study, examinations, degrees, are a direct inheritance from the Middle Ages: and it would not be difficult to show that these inherited institutions carry with them not a few assumptions in educational theory and method which might have appeared questionable enough to an ancient thinker[1]. However much the modern mind may in certain directions be reverting to the ideas and spirit of the old world, education, like so much else in the modern world, will always exhibit a vast and incalculable difference from the education of ancient Greece or ancient Rome just because the Middle Ages have intervened.

Its present influence.

How much is lost and how much gained by the educational machinery which the Middle Ages have created for us would be a difficult inquiry. That something is lost is evident. Something of the life and spontaneity of old-world culture certainly seems to be gone for ever. Universities have often had the effect of prolonging and stereotyping ideas and modes of thought for a century or more after the rest of the world has given them up. It is surprising how slowly an intellectual revolution affects the course of ordinary education. But educational traditions are marvellously tenacious, quite apart from institutional machinery such as that of the Universities: and education itself must always be, from the necessities of the case, a tradition. In all machinery there is some loss, and yet it is only by means of machinery that culture can be permanently kept alive and widely diffused. The machinery by which this process is carried on among ourselves is as distinctly a medieval creation as representative government or trial by jury. And it is a piece of institutional machinery

[1] It is also true, no doubt, that parts of our educational tradition are an inheritance from the ancient world itself. The organization of education in the later Roman Empire involved a closer approximation to the University system than the education of the Platonic or the Ciceronian age.

which has outlived almost every other element in the education which it was originally intended to impart.

The reader who has had the patience to follow these pages thus far may, perhaps, be disposed to ask what message the study in which we have been engaged has for the modern educational reformer. And yet the attempts which have been made to impress University history into the service of the educational theory are not altogether encouraging. We have often had occasion to notice that features of the medieval University system which have constantly been appealed to as binding precedents were really less universal and less invariable than has been supposed. The University of London, after being empowered by Royal Charter to do all things that could be done by any University, was legally advised that it could not grant degrees to women without a fresh Charter, because no University had ever granted such degrees: we have seen that there were women-doctors at Salerno [1]. We have been told that the medieval University gave a religious education: we have seen that to the majority of students it gave none. We have been told that a University must embrace all Faculties: we have seen that many very famous medieval Universities did nothing of the kind. That it eventually came to be considered necessary, or at least usual, that they should do so, is due to the eventual predominance of the Parisian type of University organization, *minus* the very peculiar and exceptional absence of a Faculty of Civil Law. We have been told that the collegiate system is peculiar to England: we have seen that Colleges were found in nearly all Universities, and that over a great part of Europe University teaching was more or less superseded by College teaching before the close of the medieval period. We have been told that the great business of a University was con-

[1] See also below, App. XV. I have been informed by an eminent Judge, who was one of the Counsel on whose advice the University acted, that a knowledge of this fact would have modified his opinion.

sidered to be liberal as distinct from professional education: we have seen that many Universities were almost exclusively occupied with professional education. We have been assured, on the other hand, that the course in Arts was looked upon as a mere preparatory discipline for the higher Faculties: we have seen that in the Universities of northern Europe a majority of students never entered a higher Faculty at all. CH. XIV.

On all sides we find that a closer acquaintance with the facts results in a certain disillusionment. And it is chiefly perhaps in disillusionment of this kind that we must find the practical value of University history, as indeed of so much other historical study. The wide survey which we have taken of the Universities of Europe will at least have taught us the flexibility and versatility of the medieval system in spite of much constitutional uniformity. It is only, indeed, in matters of technical constitutional Law that medieval precedent can have any direct value to the modern University legislator. New needs must be met by new machinery. University institutions must undergo perpetual modification in the future as they have undergone perpetual modification in the past. But it is well in this, as in wider fields of social, political, and religious organization, as far as possible to preserve historical continuity. We should avoid the wanton introduction of an historical solecism where an adhesion to ancient form and usage would be quite as easy, the wanton destruction of ancient institutions where a slight modification of them would serve as well, the wanton abandonment of ancient customs and traditions where they are neither harmful nor burdensome. Already, even in England, much has been lost which is past recall, but it may be hoped that a more extended knowledge and more intelligent appreciation of the old University system may prevent the further abandonment of a single piece of ceremonial, of nomenclature, or of procedure which will serve to connect the Universities of the present with that medieval past out of which they have so directly and unmistakably grown.

CH XIV. Names are sometimes of more importance than is commonly supposed. Whether a particular institution should or should not be called a University may seem by itself to be a very small thing. But the name has got to be associated with education of the highest type: to degrade the name of a University is therefore to degrade our highest educational ideal. That Universities should be multiplied is, within certain limits, natural and desirable: and it is by no means essential that all should conform exactly to the same pattern. It is natural and desirable again that efforts should be made to diffuse knowledge and intellectual interests among all classes by means of evening lectures. The English Universities may well be proud of having taken the initiative in a movement of the most far-reaching social and political significance. But it would be a delusion, and a mischievous delusion, to suppose that evening lectures, however excellent and however much supplemented by self-education, can be the same thing as the student-leisure of many years, duly prepared for by a still longer period of regular school training. Examinations, too, and private preparation for them, are an excellent thing in their proper place: but it is a mistake to suppose that an Examining Board can discharge any but the very lowest of a University's real functions. The two most essential functions which a true University has to perform, and which all Universities have more or less discharged amid the widest possible variety of system and method and organization, hardly excepting even the periods of their lowest degradation, are to make possible the life of study, whether for a few years or during a whole career, and to bring together during that period, face to face in living intercourse, teacher and teacher, teacher and student, student and student. It would be a fatal error to imagine that either the multiplication of books or the increased facilities of communication can ever remove the need of institutions which permit of such personal intercourse. A University, therefore, must have a local habitation; if it embraces Colleges in different places, you have virtually two or more Universities and not

one. Increased facilities of communication can never unite by the true University bond the inhabitants of distant towns: indeed it may be questioned whether the highest University ideal can be realized with the fullest perfection even in a single modern city of the largest type, especially where it does not possess a distinct University quarter.

It may in a sense be maintained that the bewildering accumulation of literature and the rapidity with which it is diffused have only emphasized the necessity for personal guidance and interpretation—for association in teaching, in study, and in research. Personal contact adds something even to the highest spiritual and intellectual influences—in all ages Universities have been the great homes of 'movements'—and it adds a life and a power to the teaching of men whose books by themselves would be of comparatively small account. There is a kind of knowledge, too, which can only be secured by personal intercommunication, a kind of intellectual cultivation which is only made possible by constant interchange of ideas with other minds, a kind of enthusiasm which is impossible in isolation. To a certain extent of course these functions are performed by every sort of educational institution and every scientific or literary society. But it behoves us not to lose or lower the ideal of the University as the place *par excellence* for professed and properly trained students, not for amateurs or dilettantes or even for the most serious of leisure-hour students; for the highest intellectual cultivation, and not merely for elementary instruction or useful knowledge; for the advancement of Science, and not merely for its conservation or diffusion; as the place moreover where different branches of knowledge are brought into contact and harmonious combination with one another, and where education and research advance side by side. If the study of University antiquities does something to keep alive this ideal and to add the charm of historic association to the institutions in which it has expressed itself, some practical purpose will have been served by what I have consistently

Ch. XV. endeavoured to make in the main a purely critical and historical inquiry. In Education as in other matters some knowledge of the past is a condition of practical wisdom in the present, but the lessons of history seldom admit of formal deduction or didactic exposition.

APPENDIX

APPENDIX

I.

PAPER UNIVERSITIES.

THE following is a list of Universities for which Bulls were granted, but which never came into actual existence. Down to 1400 the list (with one exception) has the authority of Denifle (*Die Univ. des Mittelalters*, I. pp. 630–652): after that it is probably very incomplete.

GRAY (1290). A Bull was granted in 1290 by Nicolas IV on the petition of Otto IV, Count of Burgundy. See above, p. 187.

PAMIERS (1295). A Bull granted by Boniface VIII in 1295 erects in this City 'studium generale in quo magistri doceant et scolares libere studeant et audiant in quavis licita facultate' (*Registres de Boniface VIII*, ed. Thomas, Paris, 1884, No. 658 (c. 227); Fournier, *Stat. et Priv. des Un. françaises*, T. II. Paris, 1891).

DUBLIN (1312). In 1311, the year after his accession to the See, John Leech, Archbishop of Dublin, petitioned Clement V for a Studium Generale in his metropolitical city. The petition recites the fact that there was no University in Ireland or in the most nearly neighbouring countries of 'Scotland, Man, and Norway,' (the geography of the Irish Prelate seems tinged by Home-rule aspirations), the absence of learned men in Ireland, and the perils of the Irish Channel. The Bull was issued in 1312, and is printed in Mason, *The History and Antiquities of the Collegiate and Cathedral Church of S. Patrick near Dublin*, Dublin, 1820, in App. No. VII. § I (where it is wrongly dated 1310), and in *Regesta Clem. V*, Romæ, 1887 (No. 8634). It is remarkable in that it makes the establishment of the University at Dublin dependent upon the approval of the Archbishop and his suffragans, confers no *jus ubique docendi*, and, while authorizing the *licentia docendi*, does not determine the

APPENDIX. I.

authority by which it is to be conferred. The death of the Archbishop and a long vacancy in the See prevented the immediate execution of the design. In 1320 the new Archbishop, Alexander de Byckenore, with the assent of his two Chapters of the Holy Trinity (now Christ Church) and S. Patrick's, issued a body of Statutes (Mason, App. No. VII. § 2; also in Ware, *De Hibernia et Antiquitatibus ejus*, Londini, 1658, p. 77), by which the Chancellor is to be elected by the Regents (subject to confirmation by the Archbishop), but, if there is a Doctor of Theology or Canon Law in either of the Dublin chapters, he (or one of such Doctors, if there are more than one) is to be elected. The University is to be governed by the Chancellor and two Proctors, and the rest of the constitution is framed on the Oxford model, with the exception of certain reservations in favour of the Archbishop. It is provided 'quod Cancellarius, de consilio magistrorum regentium, et non regentium, si necesse fuerit, statuta condere possit ad honorem et pacem Universitatis, et ad scandala dirimenda, que contingere poterint in eventu, et illa statuta debent nobis et successoribus nostris presentari, et per nos et eosdem successores confirmari.' The Chancellor has jurisdiction over Masters and Scholars and their servants, where 'actor et reus sunt de Universitate predicta,' except where a Canon or a member of his household or of the Archbishop's household is involved. From the Chancellor there is an appeal to the Regents, but the further appeal is to the Archbishop, to whom also is reserved the right of appointing a Regent to lecture on Theology in S. Patrick's Cathedral. The Chancellor is to take an oath of obedience to the Archbishop.

It appears that the then Dean of S. Patrick's was appointed Chancellor and took the degree of Doctor in Canon Law, while two Friars were made D.D. In 1364, Lionel, Duke of Clarence, founded a Divinity Lectureship to be held by an Augustinian; while in 1496 a provincial Synod imposed an annual contribution upon the clergy of the province for seven years to provide salaries for other Lecturers (Mason, p. 101). These are all the facts that are known as to the existence of a University: the reader must be left to judge for himself as to whether the University of Dublin has been rightly included among the still-born Universities. Clearly there were some schools in Dublin, but in the absence of any evidence of graduation (after the first formal graduations of persons educated elsewhere) the *differentia* of a *de facto* University seems to be wanting.

Cardinal Newman has a short chapter on 'the Ancient University of Dublin' in the *Office and Work of Universities*, London, 1856, reprinted in *Historical Sketches*, London, 1872.

The following account of an attempt to found a University at

Drogheda in 1465[1] may be appended as evidence that no University existed at Dublin at that date (D'Alton, *History of Drogheda*, Dublin, 1844, II. p. 149). 'On the accession of Edward the Fourth the Earl of Desmond was exalted to the honour of Lord Justice of Ireland, immediately after which he convened his parliament to assemble in this town (i.e. Drogheda). The corporation and townsmen of Drogheda happily directing his attention to the fact that during the government of Sir Edmund Butler, at the instance of the Archbishop of Dublin, a bull of the Pope was procured for the establishment of a University in Dublin, which however had declined for want of funds, besought him to effect a similar distinction for their town (i.e. Drogheda), the immemorial residence of the Primate of Ireland, and an act was accordingly passed (5 Edw. IV. c. 46) of which the following is a translation :—" Also at the request of the commons, because the land of Ireland has no university nor place of general study within it, a work of which sort would cause a great increase of knowledge, riches, and good government, and would prevent riot [!], evil government and extortion within the same land, it is therefore ordained, established and granted by authority of parliament that there be a University in the town of Drogheda, in which may be made bachelors, masters and doctors in all sciences and faculties as they are made in the university of Oxford, and that they may also have, occupy and enjoy all manner of privileges, laws and laudable customs which the said university of Oxford hath occupied and enjoyed, so that it be not prejudicial to the mayor, sheriffs nor commonalty of the said town of Drogheda." The political events of the period, however, prevented the consummation of this desirable object. Ireland as well as England was in a state of complete exhaustion during the reign of Edw. IV, and in that of Henry VII was much distracted by the attempts of his enemies to make it the scene of contests and rebellions, that they hoped would overturn his government, while the more immediate circumstance of the execution of the Earl of Desmond as a traitor naturally attached an odium to all his measures, and particularly to that which contemplated the elevation of a secondary locality to a literary preeminence above the metropolis. Dublin continuing afterwards the fixed seat of the Parliament, and the ultimate establishment of a University there in 1591 seem to have extinguished the expectation and almost the wish for realizing this honourable distinction.'

VERONA (1339). A Bull was granted by Benedict XII in 1339

[1] The attempt seems to be wrongly dated 1368 by Ware, p. 82, and Ware-Harris, p. 245.

APPENDIX. I.

for all Faculties except Theology. (*Bull. Rom.* ed. Taur. IV. 459.) The town-statutes of 1458 provide for a Doctor of Grammar and Rhetoric, of Civil Law, of Canon Law, of Arts and Medicine, and of Arithmetic (*Statuta communitatis Veronæ*, Vicentiæ, 1475, lib. I. Nos. 111–118), and then might presumably have claimed the privileges of a Studium Generale, but there is no evidence of graduation.

GENEVA (1365). On the petition of Amadeo VI, Count of Savoy, a Studium Generale in all Faculties was founded at Geneva in 1365 by a Bull of the Emperor Charles IV for all Faculties (published by Vuy in *Mémoires de l'Institut Génevois*, XII. 1869, p. 43). Denifle (*Die Univ. des Mittelalters*, I. p. 649) cites an interesting document which shows that the Bull was an expedient to revive a very decaying School. The Bishop had in the preceding year complained to the Pope that the Chancellor of his Cathedral was in the habit of selling 'regimen scolarum civitatis et dioc. Gebennen. plus offerenti,' his demands being so extortionate 'quod scole ipse quasi ad nichilum sunt redacte.' This behaviour of the Chancellor explains the fact that he is altogether ignored in the constitution of the University, and the unusual provision in the foundation-bull which entrusts the right of promotion to the Doctors or Masters themselves.

LUCCA (1369). A Studium Generale was erected by Charles IV, and is remarkable for including Astrology among the 'Sciences and approved Faculties' to be taught there. (Baluze, *Miscellanea*, ed. Mansi, Lucæ, 1764, IV. 184.) In 1387 another Bull (for all Faculties except Theology) was procured from Urban VI (*ib.* p. 185). But no Studium except in Arts appears to have really come into existence, and this is not organized as a Studium Generale. For information as to the Schools of Lucca, both before and after the Bulls, see the documents published by Lucchesini, *Della historia letteraria del ducato Lucchese* in *Memorie e documenti per servire all' istoria del ducato di Lucca*, Lucca, 1825, IX. 18 *sq.*

ORVIETO (1378). The town-statutes (Fumi, *Codice diplomatico della città d' Orvieto* in *Documenti di storia italiana per le provincie di Toscana, dell' Umbria e delle Marche VIII*, Firenze, 1884, p. 780 *sq.*) testify to the existence of a considerable Studium from 1280. It obtained the grant of a Studium Generale from Gregory XI in 1377 (*ib.* p. 567), while the actual Bull was issued in the following year by his successor, Urban VI; but it appears that even the Studium which had previously existed in the place was now extinct, since after this we hear nothing even of salaries so far as the higher Faculties are concerned.

KULM (1386). A Bull of Urban VI was granted on petition of the Teutonic Order, 'instar studii Bononiensis,' which is said to be

printed in *Urkundenbuch des Bisthum Kulm*, Danzig, 1885. (*Neues Preussisches Urkundenbuch*, Abth. II. ed. Woelky, I. 89. f. N. 369.) This Bull is not mentioned by Denifle.

FERMO (1398). Denifle has shown (*l. c.* p. 630) that the Bull for this University was granted, not by Boniface VIII, but by Boniface IX. It was confirmed by Calixtus III in 1455, but was only brought into actual existence by a Bull of Sixtus V in 1585. Denifle speaks of a monograph by Curi, *L'Università degli studi di Fermo* (Ancona, 1880), which attributes its origin to Lothair!

CALATAYDD (1415). A Bull was granted for a University at Calataydd, on the western borders of Aragon, by Benedict IV in 1415 (Doc. ap. de la Fuente, *Hist. d. las Univ. en España*, I. p. 321). But nothing appears to be known as to the actual existence of a University in this place.

LÜNEBURG (1477). A Bull was granted by the Emperor Frederick III in 1477, said to be printed by Caspar Sagittarius and Henricus Gause in *Memorabilia Historiæ Luneburgicæ*.

FRANKFURT ON ODER (1500). Bull obtained by the Margrave John Cicero from Alexander VI and the Emperor Maximilian. The actual erection of the University was suspended by the death of the Margrave, in the same year, till 1506, when a fresh Bull was obtained from Julius II (Beemanus, *Notitia*, p. 14).

II.

ALLEGED UNIVERSITIES AT LYONS, REIMS, ALAIS, PARMA, &c.

LYONS.

Prof. Kaufmann (*Gesch. d. deutsch. Univ.* I. p. 379) wishes to make Lyons a Studium Generale in the thirteenth century, on the strength of an allusion in a Royal decree of 1302 to the City's right 'habendi insuper in dicta civitate utpote egregia studium scolarium et regentium in jure civili et canonico ad docendumque artes alias liberales' (*Cartulaire municipal de Lyon*, ed. Guigue, Lyon, 1876, p. 29; Fournier, *Statuts et Priv. des Univ. franç.* II. No. 1562). In a document of 1328 (*Cartulaire*, p. 82; Fournier, II. No. 1563) Philip VI declares that 'archiepiscopus et capitulum Lugdunense, doctoribus et bacalariis decretorum et legum in dicta civitate hujusmodi scientias volentes publice legere et docere, circa eorum lecturas novitates indebite inibi facere nittuntur, dictos doctores et bacalarios compellendo jurare quod, lectura sua durante, contra eos non consulent.' This is evidence of the exist-

APPENDIX. II.

ence of an important School, but if a City is to be added to the list of Studia Generalia on such evidence, where are we to stop? Innocent IV's foundation of the Studium Curiæ Romanæ, issued at Lyons in 1245, has sometimes been mistaken for a foundation of a University at Lyons. All the documents are printed in Fournier, II. No. 1559 *sq.* A document of 1291-2 (*ib.* No. 1560) shows that one Doctor was licensed by the Archbishop, and the other by the Chapter, no additional Doctors being permitted without the consent of both.

The history of the School is dealt with by Bronchoud, *Recherches sur l'enseignement du droit à Lyon*, Lyon, 1875, and Rougier, *Aperçu historique sur l'enseignement du droit à Lyon*, Lyon, 1874.

REIMS.

In the twelfth and thirteenth centuries the Cathedral School of Reims occupied much the same kind of position as that of Lyons, except that Lyons was famous for the study of Law, Reims for Theology. When Alexander III wrote to the Bishop of Paris directing him to condemn the Nihilianism of Peter the Lombard (see above, vol. I. p. 54), he directs him to summon as his Assessors the Masters of the School at Reims and other places ('convocatis magistris scolarum Parisiensium et Remensium et aliarum circumpositarum civitatum' (Denifle, *Chartularium*, I. Introd. No. 9; Fournier, II. No. 1555). We have already noticed the existence of a 'Collége des Bons-enfans' here (above, vol. I. p. 485, n. 1, Fournier, II. No. 1557). In 1258 we find a Bull of Alexander IV, in which a careless reader might detect a recognition of Reims as a Studium Generale. It is directed against the Chanter of Reims, who was guilty of the common practice of getting dispensed from residence for study at a Studium Generale and then going to live on other benefices or in his native country, 'ad excusandas excursationes in peccatis scolas Predicatorum vel Minorum ordinis vel alterius docentis ibidem perfunctorie adeundo.' The Chanter had adopted this subterfuge, 'licet Remis adeo utiliter sicut et alibi in dicta pagina studere, si velit, valeat.' The Dean and Chapter of Reims are forbidden to let him enjoy his 'fruits,' 'nisi Remis in predicta pagina studenti vel alibi ubi generalis in ea viget scolastici studii disciplina' (Fournier, II. No. 1558). This may no doubt be read as if implying that Reims was a Studium Generale: but it need not be so. The principle clearly was that he must either study at Reims, or, if elsewhere, then in a Studium Generale. It is possible that Reims *may* have been described as a Studium Generale in the vague thirteenth-century sense: it was just one of those Schools that might well have developed into a Studium

Generale *ex consuetudine*: but it did not do so. The University dates from 1547.

There is a full history of the School and University by Dom Marlot, *Histoire de la ville, cité et Université de Reims* (Reims, 1846), and a *Histoire du collége des Bons-enfants de l'Université de Reims* by Cauly (Reims, 1885). The following works by Rougier may also be mentioned; *L'instruction publique à Lyon avant* 1789 (Lyon, 1869), and *Aperçu historique sur l'enseignement du droit à Lyon* (Lyon, 1874).

ALAIS.

In the *Bibliothèque de l'École des Chartes*, T. XXXI (1871), p. 51 *sq.*, M. Eugène de Rozière has published some interesting documents relating to the opening of a Studium at Alais in 1290. There are two contracts, one with Armandus de Jeco, 'canonicus Vasionensis, doctor decretorum,' the other with 'dominus Raymundus Soquerii, regens in legibus in civitate Avenionensi,' to lecture on their respective subjects, as well as (in the case of the Civilian) to give legal assistance to the Magistrates. Prof. Kaufmann remarks triumphantly that they do not seem alive to the necessity of a Papal or Imperial Bull—as if Denifle or any one else had maintained that such a Bull was necessary to a Studium which had no pretensions to being 'generale.' It is noteworthy that the first contract contains a clause that no other shall lecture at Alais (unless the Doctor's salary is raised)—which does not accord with even Kaufmann's somewhat indefinite ideas as to the nature of a Studium Generale. Denifle has pointed out over and over again that such a Studium of Law existed in most Italian towns and in many other parts of Europe, but no one ever dreamed of considering them 'Studia Generalia.' The documents are now printed in Fournier, *Stat. et Priv. des Un. franç.* II. No. 1569 *sq.*

PARMA.

From the documents published in the anonymous *Memorie e documenti per la storia della Università di Parma nel Medievo*, vol. I (Parma, 1888), it appears that an institution claiming to be a *Studium Generale* was established at Parma in 1412, with a Rector, University of Students, and College of Doctors, at which degrees were actually given and diplomas issued with the accustomed formula 'catedram magistralem ascendendi et in ea legendi, docendi, disputandi, questiones terminandi, et ceteros actus doctoreos exercendi . . . et doctorum insignia deferendi hic et ubique locorum auctoritatem et licentiam,' &c. (p. 111). Statutes were drawn up on the Bologna model in 1414 (p. iii *sq.*); and the *Matricula*

APPENDIX. II.

of 1413 shows an entry of seventy-seven names. But no Papal or Imperial Bull of foundation was granted, though it appears that efforts were made to obtain the former, *circa* 1328 (*ib.* p. 74), and again in the fifteenth century (Denifle, I. 230). The evidence goes to show that such a Studium would not have been considered 'general' or its *licentia ubique docendi* accounted valid at the time. Hence I have excluded Parma from the list of mediæval Universities. The documents before 1412 only show the existence of an isolated 'medicus,' and a single 'eius scolaris' (p. 103), and Schools of Grammar, Arts, and Law (p. 104 *sq.*), such as existed in most considerable Italian towns without any pretensions to the appellation of Studium Generale. At one time—in the twelfth century—the town seems to have possessed considerable fame as a School of Grammar and Arts (*ib.* p. 22 *sq.*) : but there is no evidence to show that it was ever recognized as a *Studium Generale ex consuetudine.* There seems to have been a College of Doctors with regular Statutes as early as 1294 (Doc. in Affo, *Memorie degli Scrittori*, &c. p. xxiv). It is observable that Gian Galeazzo Visconti of Milan, in an edict of 1387, forbids inhabitants of the Parmese territories to resort to other *civitates Italiæ in quibus Studia generalia vigeant*, and requires them to attend the *Studium* of Parma, but the edict studiously refrains from calling the latter a Studium Generale. In assuming that title in 1412, they were simply, as was sometimes done in other cases (e. g. Pisa, see above, p. 45), presuming upon the issue of a Papal Bull, in anticipation of which the Studium had been organized : but, as the event proved, the Parmese were counting their chickens before they were hatched. To include Parma among Universities (as is apparently done by Kaufmann, I. p. 232) is simply to abandon all constitutional accuracy in the use of the terms. It was not till 1512 that Parma succeeded in obtaining a Bull from Julius II (Affo, *l. c.* p. cii). The history of the Studium is dealt with by Affo, *Memorie degli Scrittori e Letterati Parmigiani*, I. Parma, 1789 (Discorso Preliminare) ; Tiraboschi, *Ist. d. Lett. Ital.*, VI. pt. i. p. 149; Pezzana, *Storia della Città di Parma*, Parma, 1842, II. p. 145 *sq.* The city was famous for Artes Liberales from the eleventh century, but the allusions do not prove a Studium Generale. See Muratori, *Rer. Ital. SS.* III. c. 912, V. 534. Cf. Dümmler, *Anselmus der Peripatetiker* (1872), p. 21.

NISMES.

The accounts of the Consuls of the City of Nismes for 1373 contain a number of interesting details relating to an attempt to set up a 'Studium Generale' at Nismes. There are the expenses of journeys to Avignon and Montpellier to bribe away Doctors

and students and to procure a Papal Bull, and for a copy of the privileges of Montpellier, which it was proposed to imitate, for presents to a Cardinal ('pro decem vasis vini cum fusta . . . presentatis . . . domino cardinali Mimatensi . . . cvii florenos, medium'), for adapting a building for Schools, for going to meet a Doctor from Avignon, feasting him upon his arrival, &c. The Schools were evidently opened and lectures given, but it is clear that the Bull was not granted. The failure of the attempt to found a 'Studium Generale' shows (in opposition to the views of Kaufmann and others) how indispensable the Papal Bull had by this time become. The doc. is printed by Fournier (*Stat. et Priv. d. Un. franç.* II. No. 1576) from Ménard, *Histoire de Nîmes*, 1874, p. 323, and Preuves. No Bull for Nismes appears in the Register of Gregory XI (Denifle, *Archiv f. Kirchengesch.* IV. p. 262).

GAILLAC AND ALBI.

A Studium of Arts was founded at Gaillac by Bull of John XXII in 1329, but it is styled simply 'studium in quo magistri libere doceant, ac scolares studeant et audiant,' not 'studium generale.' The object of the Bull is contained in the clause 'rectoris et magistrorum Universitatis studii Albiensis, qui sunt et erunt pro tempore, et cujuscumque alterius licentia minime requisita' (Fournier, II. No. 1573). In spite of this privilege, the Bishop of Albi excommunicates the whole town on account of these academical pretensions—a sentence reversed on appeal to the Court of the Archbishop of Bourges (*ib.* No. 1574).

The two cases of Gaillac and Albi are instructive, the first as showing that a *Studium privilegiatum* need not be general, the second as illustrating the possibility of a Rector and University of Masters in a *studium particulare.*

BILLOM.

Denifle has printed several documents (*Les Univ. françaises*, pp. 94, 95) from which it appears that at Billom in Auvergne there was a Studium of Law of a kind which could be plausibly represented as a Studium Generale. The most important of these is a document of 1345, in which a Canon asks for dispensation from residence while studying at Billom or 'in any other Studium Generale.' This implies that students at Billom claimed that it was a Studium Generale, but not of course that the claim was admitted. Indeed, as dispensation was usually only granted for residence at Studia Generalia, the Canon had an adequate reason for misrepresentation. In 1349 a Cardinal petitions the Pope on

APPENDIX. II.

behalf of a Canon of Billom who wanted to be absent from the services of his Church while teaching in the Studium. The 'instruentium nimis raritas' is alleged as a ground for the petition.

MILAN.

The following statement occurs in Baldus, *Consilia*, T. V. Cons. 77, fol. 21 *a* (Frankof. ad Mœn. 1589):—'Ciuitas Mediolanensis ex consuetudine, cuius contrarii memoria non existit, intelligitur apud se habere studium generale, presertim quia est ciuitas regia (cf. above, vol. I. p. 13, n. 1) et Metropolitana.' Had this testimony occurred somewhat earlier (Baldus died at Pavia in 1400) it might have been natural to accept it as decisive. But it is so entirely unsupported by what we know of the Studium at Milan in the fourteenth century that it must be received with very great suspicion. We are told, indeed, that in 1288 there were in Milan 15 Doctors of Grammar and Logic, 70 'magistri puerorum ad initiales literas,' and '180 medici dicti philosophi computatis Cymicis. Inter quos plures salariati per Communitatem' (Giulini, *Memorie spettanti alla storia della Città di Milano*, pt. viii. p. 395). The same writer cites a MS. Chronicle by Flamma, for the statement that 'Jurisperiti habent publicas scholas,' but from the context it would seem doubtful whether these were anything but Schools for Notaries. And there is no mention of teaching in Medicine or Philosophy. Nor is there any reason to believe that the Studium was really looked upon as general during the fourteenth century, while there is every reason to believe that, if there were such a Studium, we should have heard of it. Moreover in 1387 Gian Galeazzo Visconti forbade his subjects to study except at Parma (see above, p. 726). Hence the attempt to make out that Milan was a Studium Generale must probably be looked upon as a mere counsel's opinion obtained by a client with whom the wish was father to the thought. The circumstances are partially set forth in the *Casus* on which the opinion was taken:—

'In Christi nomine. Casus talis est. Quidam impetrauit gratiam a summo Pontifice, in qua narrauit se studere in iure ciuili non exprimendo locum, ubi studeret, prout studebat in Mediolano; ubi licet non sit studium ordinatum, seu generale, per sapientes doctores legitur, ut lectum fuit, et hodie legitur, et per tanti temporis spacium, quod in contrarium memoria hominis non existit. Modo quæritur, utrum gratia prædicta sit supreptitia pro eo, quod non studebat in iure ciuili in studio ordinato et deputato, vel non' (*ib.* fol. 20 *b*).

It is obvious that Baldus' client had obtained some 'grace,' e. g. a dispensation from residence, on the ground that he was

studying in a Studium Generale when he was studying or pretending to study at Milan. For the ease of his conscience, or some more material purpose, he now wanted a legal opinion that Milan was a Studium Generale. The opinion was of course forthcoming, though the grounds on which it was based could have convinced no one.

III.

LAW-TEACHING IN THE EARLY MIDDLE AGES.

The following extracts will illustrate what has been said above (vol. I. p. 101 *sq.*) on the teaching of Roman law in the ordinary schools of the early Middle Age. I take them chiefly from Fitting:—

(1) 'Hic (Antarchus) Felicis senatoris servus fuit, qui ad obsequium domini deputatus ad studia litterarum cum eo positus bene institutus emicuit; nam de operibus Virgilii, *legis Theodosianæ libris* artemque calculi adplene eruditus est.' Greg. Turon. († 594), *Hist. Franc.* Lib. IV. cap. 47 (Migne, T. 71. c. 308).

(2) 'Desiderius vero summa parentum cura enutritus literarum studiis ad plenum eruditus est. Quorum diligentia nactus est post literarum insignia studia Gallicanamque eloquentiam (quæ vel florentissima sunt vel eximia contubernii regalis adductus inde dignitatibus) ac deinde *legum romanarum* indagationi studuit, ut ubertatem eloquii Gallicani nitoremque gravitas sermonis romana temperaret.' *Vita S. Desiderii* († 654) *Caturc. episc.* (Labbe, *Nov. bibliotheca manuscr. librorum*, Parisiis, 1657, I. p. 699).

(3) 'Postea vero cum natus adolevisset et esset præfata cum parentibus in urbe constitutus, grammaticorum imbutus initiis necnon *Theodosii edoctus decretis* ceterosque coætaneos excellens a sophistis probus atque prælatus est.' *Vita S. Boniti* († c. 709), (Mabillon, *A. SS. Ord. S. Benedicti*, Sæc. III. pt. i. Paris, 1672, p. 90).

(4) 'Neque enim parva temporum intervalla in hoc lectionis studio protelanda sunt; ei dumtaxat qui sollerti sagacitate legendi succensus *legum Romanorum iura medullitus rimabitur et cuncta iuris consultorum decreta* imis precordiis scrutabitur et, quod his multo artius et perplexius est, centena scilicet metrorum genera pedestri regula discernere et ad musica cantilenæ modulamina recto syllabarum tramite lustrare, cuius rei studiosis lectoribus tanto inextricabilior obscuritas pretenditur, quanto rarior doctorum numerositas repperitur.' Aldhelmus (Abbot of Malmesbury 675–705), Ep. to Hedda, Bp. of Winchester (Jaffé, *Bibl. Rer. Germ.* III. p. 32).

APPENDIX. III.

(5) 'His dans grammaticæ rationis gnaviter artes,
Illis rhetoricæ infundens refluamina linguæ,
Illos iuridica curavit cote polire.
Illos Aonio docuit concinnere cantu
. . . . . .
Ast alios fecit præfatus nosse magister
Harmoniam coeli.'

Alcuinus, *de sanctis Euboricensis ecclesiæ.* (*Mon. Germ. Poetæ lat. æv. Carol.* ed. Dümmler, I. p. 201.)

(6) 'Diu vivebat pater eorum [Carolus Magnus] cum eis feliciter et utiliter instruebat eos liberalibus disciplinis et *mundanis legibus.*' Theganus, *Vita Hludovici Imp.* (written 835), c. 2 (Pertz, *SS.* II. p. 591.)

(7) 'Bruno [postea Leo IX Papa] insistebat literarum gymnasio . . . Nempe, ut primum competit rudibus, decurso artium trivio, non solum claruerunt prosa et metro, verum et *forenses controversias* acuto & vivaci oculo mentis deprehensas expediebant seu removebant sedulo. Denique quadruvium naturali ingenio vestigantes degustarunt, atque non minimum in ipso quoque valuerunt.' *Vita S. Leonis papæ* († 1054) *auctore Wiberto*, l. I. cap. iv. (Mabillon, *A. SS. Ord. S. Benedicti*, Sæc. vi. pt. ii. p. 55.)

(8) 'Cum Romani terrarum orbi imperarent, ita moderamine legum scripto regebatur, ut nulli impune cederet factum quod lex vetuerat. Postquam vero Germanum regnum a Romanis recesserat, Sigipertus et Theodoricus ac deinde Carolus iura dictabant, quæ si quis potens ac nobilis legere nesciret, ignominiosus videbatur, *sicut in me coævisque meis, qui iura didicimus, apparet.* Moderni vero filios suos neglegunt iura docere, qui quandoque pro suo libitu et possibilitate mendoso iure quosque iuvant aut deprimunt et per exlegem temeritatem.' *Chron. Eberspergense*, an. 1013 (written c. 1050); Pertz, *SS.* XX. p. 14. The words are ascribed to the aged Count Udalrich of Ebersperg in Upper Bavaria († 1029).

So 'Hermiannus († 1026) nobili Agrippinensium genere procreatus litterarum studiis, ut decet nobilibus, adprime eruditus.' *Gesta Episc. Tullens.* c. 37 (Pertz, *SS.* VIII. p. 643).

(9) In the following passage the allusion is to an edict of the Emperor, Henry III, requiring subjects to have their children educated:—

'Quilibet ut dives sibi natos instruat omnes
Litterulis, legemque suam persuadeat illis,
Ut—cum principibus placitandi venerit usus—
Quisque suis libris exemplum proferat illis.
Moribus his dudum vivebat Roma decenter:
His studiis tantos potuit vincire tyrannos.

Hos servant Itali post prima crepundia cuncti,
Et sudare scholis mandatur tota iuventus.
Solis Teutonicis vacuum vel turpe videtur
Ut doceant aliquem nisi clericus accipiatur.'
Wipo, *Tetralogus*, ll. 191–200 (Pertz, SS. XI. p. 251.)

(10) Alius etiam æque notus mihi atque civis in Ravennati urbe pollebat et legis peritia strenuus et grammaticorum regulis competenter instructus.' Petrus Damianus, *Opusc.* XLII. c. 2 (Migne, T. 145. c. 669).

IV.

SOME BOLOGNA DOCUMENTS.

(To illustrate Vol. I. pp. 156, 172–3, 223.)

A. *Bull of Honorius III in* 1217 *to the Student-Guild of Rome, Campania, and Tuscany at Bologna.* (Cf. above, vol. I. p. 156 *sq.*)

[Vatican Register, No. 9, f. 110 *b*, Ep. 453. I owe these transcripts from the originals of the documents inaccurately printed by Sarti to the kindness of Father Denifle.]

HONORIUS III

Scholaribus universis de Urbe, de Campania, et de Tuscia Bononie commorantibus.

Etsi multam honestatem, immo necessitatem, sicut asseritis, causa contineat, que vos ad contrahendam societatem induxit, quia tamen interdum ea que bono inchoantur principio in pravum deducuntur exitum per abusum, diligenti vos decet sollicitudine precavere ne occasione societatis ipsius a vobis aliqua presumantur que Scolasticam in aliquo dedeceant puritatem.

Quapropter Universitatem vestram monemus et exhortamur in Domino per Apostolica vobis scripta mandantes quatenus in actibus vestris eam de cetero modestiam observetis, ut et infamie notam et rerum dispendium omnino vitetis, de Civitate exire quam perjurii reatum incurrere potius eligentes si ad alterum predictorum per Potestatem vos contigerit artari. Vos enim Societatem dissolvere aut Statutum illud contra libertatem Scolarium vestris Statutis inserere non potestis qui utrumque servare, et quam potestis diligentius procurare, fide interposita promisistis.

Datum Anagnie sexto Kal. Iunii Pontificatus nostri anno primo.

APPENDIX. IV.

B. *Bull of Honorius III authorising the Archdeacon of Bologna to absolve for assaults on clerks*, 1219. (Cf. above, vol. I. p. 223.)
[*Ib.* f. 107 *b*, Ep. 510.]

ARCHIDIACONO BONONIENSI.

Consideratis circumstantiis temporum et locorum rigor justitie debet aliquando mansuetudine temperari, ut vini compunctio lenitate olei mitigetur, et peccator in profundum non veniat et contempnat, presertim cum sine dispendio Ecclesiarum usquequaque servari non possit vigor Ecclesiastice discipline. Sane cum sepe contingat, quod in civitate Bononien. plures doctores et Scolares propter violentas injectiones manuum in clericos excommunicati decedant, ac alii redeuntes ad propria promoveantur ad Ordines, absolutionis beneficio non obtento; unde preter irregularitatem quam incurrunt, improvide in hujusmodi multi nolentes suum confiteri delictum, paupertate vel infirmitate gravati vel alias imbecillitate animi dormientes ac confessi ad Sedem Apostolicam transmittantur in peccatis suis miserabiliter moriuntur. Nos igitur super hujusmodi periculis volentes eisdem Doctoribus et Scolaribus paterna sollicitudine providere, quorum nolumus, sicut nec expedit, studium per absentiam impediri, auctoritate tibi presentium indulgemus ut ipsis, qui ad invicem in se aut in alias personas Ecclesiasticas manus injecerint violentas, nisi tam gravis fuerit aut enormis excessus ut merito sint ad Sedem Apostolicam destinandi, juxta formam Ecclesie beneficium absolutionis impendas. Nulli ergo omnino hominum liceat hanc paginam nostre concessionis infringere vel ei ausu temerario contraire.

Si quis autem hoc attentare presumpserit, indignationem Omnipotentis Dei ac Beatorum Petri & Pauli Apostolorum ejus se noverit incursurum.

Datum Reate v. Kal. Iulii Pontificatus nostri anno tertio.

C. *Bull of Honorius III giving right of promotion to the Archdeacon of Bologna*, 1219. (Cf. above, vol. I. p. 223.)
[*Ib.*, Ep. 509.]

Cum sepe contingat ut in civitate Bononiensi minus docti ad docendi regimen assumantur, propter quod et Doctorum honor minuitur et profectus impeditur Scolarium volentium erudiri; Nos eorumdem utilitati et honori utiliter prospicere cupientes auctoritate presentium duximus statuendum, ut nullus ulterius in civitate predicta ad docendi regimen assumatur, nisi a te obtenta licentia, examinatione quoque prehabita diligenti, tu denique contradictores si qui fuerint vel rebelles, per censuram ecclesiasticam appellationis remedio compescas. Dat. Reate iiii. Kal. Iulii [Pontificatus nostr]i anno tertio. Nulli ergo etc. nostre constitutioni infringere. Si quis autem, etc.

D. *Bull of Honorius III in favour of the University of Bologna*, 1220. (Cf. above, vol. I. p. 172 *sq.*)

[*Ib.* f. 179, Ep. 728 *bis*.]

POPULO BONONIENSI.

Ex relatione Ven. Fratris nostri . . . Ostiensis Episcopi, devotione quam ad Romanam Ecclesiam geritis intellecta, tanto ad ea que vestram salutem respiciunt & honorem ferventius aspiramus, quanto vos tamquam obedientie filios ad ejusdem obediendum mandatis cognoscimus proniores vos ab hiis retrahere satagentes, que & famam vestram obnubilant, et afferre vobis possent incomodum et jacturam. Sane cum ex studio literarum preter infinita commoda, que sentitis, ex eo vestra civitas inter alias sit famosa, et in universo mundo nomen annuncietur ipsius, factaque sit altera Bethleem, domus videlicet panis qui parvulis frangitur in eadem, ex qua exeunt duces qui regant populum Domini, quoniam in studio eruditi assumuntur ad regimen animarum, non solum debetis a scolarium gravaminibus conquiescere verum etiam illos honoribus prevenire, attendentes, quod ipsi gratuito ad studendum vestram preelegerint civitatem, que cum prius esset humilis per eos ibidem congregatis divitiis fere supergressa est civitates provincie universas; verum vos ad hec, sicut ex parte Universitatis ipsorum fuit propositum coram nobis, debitum non habentes respectum, gratiam ipsorum in debitum et libertatem in servitutem molientes reducere, statuistis ut si quis inventus fuerit sectam pactionem vel conspirationem pro studio a civitate Bononiensi ad locum alium transferendo facere vel fecisse; et si Scolaris quispiam vel alius quemquam Scolarem adstrinxerit modo quolibet, quo precipere possit ei ut causa Studii eamdem exeat Civitatem perpetuo banniatur, et omnia bona ejus que Bononie vel in ejus districtu habuerit publicentur, et eorum tribuatur medietas accusanti: preterea Societatem vel Rectores Scolares non permittantur habere, nisi hoc capitulum in eorum juramento ponatur; videlicet quod non dabunt operam, ut Studium ad locum alium transferatur, nec cuiquam Scolari precipiant, ut gratia studii abscedat a Civitate predicta et numquam hujusmodi mutabunt capitulum cum consilio vel sine consilio eorumdem; ac si aliquis contrafecerit, modo simili banniatur, et bona publicentur ipsius: Potestas quoque infra duos menses ab ingressu sui regiminis teneatur predictum Capitulum jurari facere a Rectoribus Scolarium, si qui fuerint, vel infra quindecim dies, ex quo extiterint Rectores electi et in Societatum Scolarium scriptis poni, nec permittant Bononiensem aliquem vel extraneum, nisi primo juraverit quod non leget alibi, extraordinariam aliquam legere

APPENDIX. IV.

lectionem. Unde ex hiis dilectus Filius nobilis vir W. de Pusterula Potestas, vestra occasione assumpta in eos indebitam jurisdictionem usurpans, libertatem ipsorum infringere nititur, et contra eamdem pretextu ipsorum pro quorum observatione asserit se jurasse illos in pluribus aggravare. Verum quia Statuta hujusmodi procul dubio sunt iniqua et manifeste obvient Scolastice libertati, et juramentum super observatione ipsorum prestitum non est, utpote illicitum observandum cum nec judicium habeat nec justitiam; eundem W. monendum duximus et hortandum Apostolicis sibi dantes litteris in preceptis, ut Scolares predictos contra libertatem hactenus habitam occasione Statutorum ipsorum, que velut iniqua duximus reprobanda, de cetero non molestet, libertatem eandem modo quolibet infringendo, ut studium eorum impediri non possit sed potius floreat ad Dei honorem, ac profectum Studentium nec non ad ipsius gloriam civitatis, ne si secus attemptare presumpserit nos super hoc cogamur aliud cogitare. Quo circa Universitatem vestram monemus et exhortamur attente quatenus, consideratis utilitatibus et honore ex Scolaribus vobis et civitati vestre provenientibus, ipsos caritatis brachiis amplexemini, et pretextu Statutorum ipsorum, que dicenda sunt potius destituta, contra libertatem antiquam et habitam hactenus ipsos nullatenus molestetis, nec faciatis per Potestatem eamdem, remisso sibi juramento predicto de cetero molestari, permittentes eosdem solita libertate gaudere ut quieto animo possint inherere Scolasticis disciplinis et nos devotionem vestram possimus in Domino commendare, ne si secus egeritis, quod non credimus, contra voluntatem nostram cogamur faciem nostram vobis ostendere duriorem.

Datum Viterbii viii. Id. April. Pontificatus nostri anno quarto.

V.

FORM OF CONFERRING THE DOCTORATE *IN UTROQUE JURE* AT BOLOGNA.

[From Gaggi, *Coll. Bon. Doctorum Origo et Dotes*, Bononiæ, 1710.]

Cum mihi fueris præsentatus in utroque jure examinandus, et legitime approbandus per Illustrissimos, et Excellentissimos D.D. (*nominando Promotores*) Equites auratos, Comites Palatinos, Doctores celeberrimos, et cum inde subieris arduum et rigorosum examen in quo tam docte quam egregie te gesisti, ut cætus iste Illustrissimorum et Excellentissimorum P.P. nemine penitus, dico penitus disentiente te dignum laurea judicaverint, ideo auctoritate qua fungor Archidiaconi hujusque Studii majoris Cancellarii te

N.N. in prædictis facultatibus Doctorem creo, publico, et nomino, dans tibi omnimodam facultatem legendi, Magistralem Cathedram ascendendi, glosandi, interpretandi, et avocandi, necnon omnes actus Doctoreos exercendi hic et ubique terrarum et locorum; insuper iis omnibus utendi privilegiis, quibus uti, et frui soleant illa felicia capita, quæ in his almis Collegiis promerita fuerunt. Quæ omnia in tuæ augmentum famæ, Collegiorum nostrorum decus, ad laudem et gloriam Omnipotentis Dei et Beatæ semper Virginis Mariæ Collegiorum protectricis perpetuo eventura desidero.

VI.

THE ROMAN MUNICIPIA AND THE ITALIAN CITIES.

(Additional note to vol. I. p. 96.)

Savigny assumed that the Curiæ maintained an unbroken continuity throughout the Dark Ages, and that the Cities preserved an autonomy which blossomed into the free Republics of the late Middle Age. The untenable character of this view was shown by Karl Hegel in his *Geschichte der Städteverfassung von Italien*, Leipzig, 1847, the tendency of which was against any continuity between the old Roman and the medieval constitutions. A judicial summing up of the question is to be found in *The Communes of Lombardy from the Sixth to the Tenth Century*, by William Klapp Williams (*Johns Hopkins University Studies*, Ser. IX, Baltimore, 1891), whose corrections of Savigny's far too confident and absolute statements I have accepted. It does not appear, however (so far as I have been able to ascertain), that this generally-received view substantially alters Savigny's conclusion as to the continuance of the Roman *Law*—at least, of that Roman private Law which carried with it some, at least, of the theories of the Roman Public Law, theories which passed into realities as soon as the old municipal independence revived under altered forms. I have also consulted the work of Charles Diehl, *Études sur l'administration Byzantine dans l'exarchat de Ravenne* (568–751), in *Bibl. des Écoles françaises d'Athènes et de Rome*, Paris, 1888, p. 92 *sq.*

The continuity of the municipal organization in southern France is also denied by Karl Hegel, *Städte und Gilden der Germanischen Völker*, Leipzig, 1891, II. p. 29 *sq.*: but in regard to some of the towns of southern France there appear to be more traces of such continuity than in Lombardy.

APPENDIX. VII.

VII.

SECESSIONS FROM BOLOGNA.

(Towns which became permanent Studia Generalia are printed in Capitals).

Ante 1182. Pillius retires to Modena from Bologna.

1188. Jacobus de Mendia contracts to come to REGGIO and bring his scholars with him—probably from Bologna.

1204. Migration from Bologna to VICENZA.

1215. Roffredus of Beneventum secedes from Bologna to AREZZO, in consequence of severe punishment of Lombard *v.* Tuscan Riots.

1222. Migration from Bologna to PADUA.

1228. Migration from Padua to VERCELLI.

1282. Scholars absolved from an oath which they had taken to leave Bologna for five years (Sarti, I. ii. p. 106).

1306. Total suspension of the Studium for three years (*Acta Nat. Germ.* p. 59).

1312. Migration from Bologna 'timore novitatis' (*Acta Nat. Germ.* p. 65).

1316. Migration from Bologna to Argenta.

1321. Migration of nearly the whole University of Bologna to SIENA, and to the existing University of Perugia, which obtains *Jus ubique docendi* in all Faculties.

1326. Execution of a Bolognese Scholar—Migration to Imola.

1338. Interdict on Bologna and suspension of Studium—Secession to Castello S. Pietro: and consequent foundation of PISA and FLORENCE.

This list does not profess to be complete.

VIII.

LEONARD FIBONACCI, THE IMPORTER OF ALGEBRA.

Introduction to his *Liber Abbaci.*

(Additional note to vol. I. p. 243.)

[From Libri's *Histoire des Sciences mathématiques*, II. pp. 287, 288.]

'Incipit liber Abbaci compositus Leonardo filio Bonacci Pisano, in anno 1202.

Cum genitor meus a Patria publicus scriba in Duana Bugea pro

pisanis mercatoribus ad eum confluentibus constitutus præesset, me in pueritia mea ad se venire faciens, inspecta utilitate et commoditate futura, ibi me studio abbaci per aliquot dies ita esse (*sic*) voluit et docere. Ubi ex mirabili magisterio in arte per novem figuras Yndorum introductus, scientia artis in tantum mihi præ cæteris placuit et intellexi ad illam, quod quidquid studebatur ex ea apud Ægyptum, Syriam, Græciam, Siciliam et Provintiam cum suis variis modis ad que loca negotiationis causa prius ea peragravi, per multum studium et disputationis didici conflictum. Sed hoc totum etiam et Algorismum atque Pictagoræ quasi errorem computavi, respectu modi Yndorum. Quare amplectans strictius ipsum modum Yndorum et attentius studens in eo, ex proprio sensu quædam addens et quædam etiam ex subtilitatibus Euclidis geometriæ artis apponens, summam hujus libri, quam intelligibilius potui in quindecim capitulis distinctam componere laboravi, fere omnia quæ inserui certa probatione ostendens ut ex causa perfecta quæ præ cæteris modo hanc scientiam appetentes instruantur, et gens latina de cetero sicut hactenus absque illa minime inveniatur.

. . . . . .

Scripsistis mihi, domine mi et magister Michael Scotte, summe philosophe, ut librum de numero quem dudum composui vobis transcriberem; unde vestræ obsecundans postulationi ipsum subtiliori prescruptans indagine, ad vestrum honorem et aliorum multorum utilitatem correxi.'

IX.

THE UNIVERSITY OF PARIS IN A.D. 1204.

(Additional note to vol. I. pp. 293, 356.)

The account given in the Continuation of Rigordus' *De Gestis Philippi Augusti* by Guillaume le Breton (wrongly ascribed to Rigordus himself by Bulæus, III. 49), of the heresy of Almaric of Bena and the action taken by the University to check it, may be considered the *locus classicus* for the state of the University at this time, and is worth quoting at length:—

'In diebus illis studium literarum florebat Parisius, nec legimus tantam aliquando fuisse scholarium frequentiam Athenis vel Ægypti, vel in qualibet parte mundi, quanta locum prædictum studendi gratia incolebat. Quod non solum fiebat propter loci illius admirabilem amœnitatem, et bonorum omnium superabundantem affluentiam, sed etiam propter libertatem et specialem

APPENDIX. IX.

prærogativam defensionis quam Philippus Rex et pater ejus ante ipsum ipsis scholaribus impendebant. Cum itaque in eadem nobilissima civitate non modo de trivio et quadrivio, verum et de quæstionibus juris canonici et civilis, et de ea facultate quæ de sanandis corporibus et sanitatibus conservandis scripta est, plena et perfecta inveniretur doctrina, ferventiori tamen desiderio sacra pagina et quæstiones theologicæ docebantur. Fuit igitur in eadem sacra facultate studens quidam clericus, Amalricus nomine, de territorio Carnotensi, villa quæ Bena dicitur oriundus: qui, cum in arte logica peritus esset, et scholas de arte illa et de aliis artibus liberalibus diu rexisset, transtulit se ad sacram paginam excolendam. Semper tamen suum per se modum docendi et discendi habuit, et opinionem privatam et judicium quasi sectum et ab aliis separatum. Unde et in ipsa theologia ausus est constanter asseverare quod quilibet Christianus teneatur credere se esse membrum Christi, nec aliquem posse salvari qui hoc non crederet, non minus quam si non crederet Christum esse natum et passum, vel alios fidei articulos, inter quos articulos ipse hoc ipsum audacter audebat dicere annumerandum esse. Cum igitur in hoc ei ab omnibus catholicis universaliter contradiceretur, de necessitate accessit ad summum Pontificem, qui, audita ejus propositione et Universitatis scholarium contradictione, sententiavit contra ipsum. Redit ergo Parisius, et compellitur ab universitate confiteri ore quod in contradictum prædictæ opinioni suæ sentiret: ore, dico, quia corde nunquam dissensit. Tædio ergo et indignatione affectus, ut dicitur, ægrotavit, et lecto incumbens decessit in brevi, et sepultus est juxta monasterium Sancti-Martini de Campis' (Bouquet, *Rer. Gall. SS.* XVII. pp. 82, 83).

X.

THE ETERNAL GOSPEL.

(Additional note to vol. I. p. 382 *sq.*)

The idea of a soon approaching new era in which the Everlasting Gospel spoken of in Rev. xiv. 6 should for the first time be proclaimed, originated in the writings of Joachim, Abbot of the Cistercian Monastery of Flora in Calabria († *circa* 1202 A.D.). This Everlasting Gospel was not conceived of as a book: on the contrary, it was to be a Gospel of the Spirit, as opposed to the Gospel of the Letter, which was contained in the New Testament; and its exponents were to be Monks. The Old Testament age had been the era of the Father and of the *conjugati*, the New Testament

age was the era of the Son and of *clerici*. The new era, which was to begin in 1260 A.D., was to be the era of the Spirit and of the *Monachi* or *Spirituales*. The Old and New Testaments, forms, sacraments, hierarchies, even active life itself, were to be superseded, or, at all events, transcended, by the new and more perfect way of pure contemplation.

As the fateful year 1260 approached, these ideas gained great currency among the extreme and more enthusiastic disciples of S. Francis; but in the Franciscan interpretation of the 'Eternal Gospel,' what had before been vague, indefinite, and ideal, became precise, concrete, and consequently more unmistakably heretical. In the Apocalyptic Angel flying 'in the midst of heaven, having the everlasting gospel to preach unto them that dwell on the earth,' they saw S. Francis himself. In Joachim's announcement of the new order of *Spirituales*, they found a prophecy of his bare-footed Order which was, ere long, to supersede Pope, prelates, and secular clergy. The name 'Eternal Gospel,' which had been given by Joachim to the new *spirit* which was to supersede the period of Sacred books, was applied to the writings of the Abbot Joachim himself, i.e. (1) A *Concordia Novi et Veteris Testamenti*; (2) his Commentary on the Apocalypse; (3) his *Psalterion*. In the year 1254 the new Joachimism, in its extremest form, was embodied in the book condemned at Paris under the title of the *Evangelium Æternum*. This book consisted of two parts: (1) the *Introductorius* or *Præparatorium*, the work not (as was once supposed) of the Minister-general, John of Parma, but of a Friar in the Paris convent, Gerardus de Borgo San Dominio; (2) the *Concordia Novi et Veteris Testamenti*, and probably that alone of the works of Joachim, with glosses by Gerard. The first seven of the *Errores* drawn up by the Parisian Masters (*Chartul. Univ. Paris.* T. I. pt. i. No. 243, from Matth. Paris, *Chron. Maj.*, ed. Luard, VI. p. 335, and other sources) are from the *Introductorius*, which is lost; the remaining twenty-four are, as Denifle has shown with his usual exhaustive thoroughness, much garbled and, in some cases, almost unrecognizable versions of passages in the *Concordia* (*Archiv für Litteratur- und Kirchen-Geschichte*, I. Heft i. 1885, p. 49 *sq.*). He has also published the 'process' before the Commission at Anagni, in which the Promoter attempts to disprove the charges against the book, by elaborate citations from Joachim and from the *Introductorius* and glosses of Gerard. For the very extensive literature on the subject, see Denifle, *l. c.* p. 51 *note*. It will be enough here to mention (in addition to Denifle) Renan's fascinating article in *Nouvelles Études d'histoire religieuse* (ed. 2, Paris, 1884, p. 217 *sq.*) and the most recent contribution to the subject by Gebhart in *L'Italie mystique*, Paris, 1890, p. 182 *sq.*

APPENDIX. X.

It is needless to show that some at least of the ideas as to Evangelical poverty lived on, and not only among the heretical Fraticelli. In a letter published by Denifle (*Chartul. Univ. Paris.* I. pt. i. No. 439), the Friars are accused of teaching the 'imperfection' of Christ among other things, because 'carnes comedit vinumque bibit,' while they declared that he did this 'exemplum solum prebens imperfectis.'

XI.

THE CHURCH AND THE ROMAN LAW.

(Additional note to vol. I. p. 323)

The attitude of the Church to the Roman Law has long been the subject of much controversy, especially of quite late years. The controversy has ranged especially round two Bulls:—

(1) The Bull *Super speculam* of Honorius III in 1219, forbidding the study of the Civil Law (*a*) at Paris, and (*b*) to Priests, beneficed clergy, and Regulars. (Denifle, *Chart. Univ. Paris.* I. No. 32.)

(2) The Bull *Dolentes* of Innocent IV in 1253 or 1254 (*ib.* No. 235), forbidding the promotion of a Civilian 'nisi in aliis liberalibus disciplinis sit expertus': and further enjoining that 'cum in Francie, Anglie, Scotie, Wallie, Hispanie et Hungarie regnis cause laicorum non imperatoriis legibus sed laicorum consuetudinibus decidantur,' the Civil Law is not to be taught in them 'si tamen hoc de regum et principum processerit voluntate.'

Père Antonin Danzas (*Saint Raymond de Pennafort et son époque*, Paris, 1815) and M. Charles de Mouléon (*L'Église et le Droit Romain*, Paris, 1887) have contended that the Church was always hostile to the study of the Civil Law, though it ought to have been more so. M. H. Beaune (*L'enseignement du droit civile et le papauté* in the *Revue Catholique des institutions et du droit*, 1881) and Father Denifle (*Die Entstehung der Univ. des Mittelalters*, pp. 696, 704, &c.) deny all hostility to the Roman Law on the part of the Church or the Papacy. The Abbé Péries takes the same view. M. Marcel Fournier (*L'Église et le Droit Romain*, Paris, 1890), while admitting that there was no permanent hostility or desire to suppress the Civil Law, contends that at this particular time there was a certain hostility to the Civil Law, (1) as interfering with the study of Theology and Canon Law, (2) as unfavourable to the claims of spiritual authority.

The last-mentioned Bull rests solely on the authority of Matthew Paris, *Chron. Maj.* (ed. Luard, VI. p. 293). Its genuineness is doubted or denied by Denifle, and defended by Fournier. His

arguments do not seem to me to outweigh the force of Denifle's objections: 'Dubitandum tamen, an hæc constitutio sit authentica, non respondet enim actioni ingenioque Innocentii, qui vel in curia vel extra eam studium juris civilis promovit, et adhuc anno 1254 "generale studium theologie, decretalium, decretorum atque *legum* in palatio suo, sicut ubique fecerat, ordinavit." . . . Ipsum etiam dicendi ac scribendi genus in hac epistola minime cum genere ab Innocentio in suis epistolis adhibito congruit. Tandem ne vestigium quidem reliquit hæc Constitutio tam generatim, quam in illis regionibus pro quibus maxime edita videtur. A nullo etiam, Matthæo Parisiensi excepto, adducitur, cum tamen Constitutio *super speculam* Honorii III (*supra*, No. 32), quæ ab omnibus allegatur, statim ubique exsecutioni mandata sit, et Parisiis per aliquot saecula viguerit' (*Chartularium Univ. Paris.* I. No. 235 *note*).

This Bull being put aside, the two former prohibitions indicate no hostility to the study of Roman Law, (1) except for those whose proper study was Canon Law, (2) in one particular University specially devoted to Theology and where the study of the Civil Law was objected to by the Sovereign. Even this measure of jealousy for the study of Theology represents rather the ideas of the age before Honorius III, and all these Bulls admit, though they deplore, the general addiction of the clergy to the Civil Law. The prohibition at Paris was maintained, though its interdiction to Regulars and beneficed clergy soon ceased to have much effect, in many Orders and places, owing to the frequency of dispensation.

It should be added that Gregory IX limited the scope of even this prohibition by a decision 'quod illi qui habent simplices curas animarum (i.e. ecclesias parochiales nisi sint plebania) non tenentur illa constitutione' (Denifle, *D. Univ. d. Mittelalters*, I. p. 697).

Denifle's suggestion (*ib.* p. 679) that the prohibition of the Civil Law at Paris may have been due to the want of space for so many students in the Island, seems to me to take rather *au grand sérieux* the rhetorical statement in the Bull with reference to the Theological students 'quod coangustatum est illic stratum et fere artus est locus ibidem filiis prophetarum.'

XII.

THE LIBER DE CAUSIS.

(Additional note to vol. I. pp. 356, 357.)

The following extracts will give some idea of the contents of the book:—

'Quod est, quoniam si intelligentia est semper, quæ non

APPENDIX. XII.

movetur, tunc ipsa est causa rebus sempiternis, quæ non destruuntur, nec permutantur,' &c. (Thom. Aquin. *Opera*, IV. Antuerpiæ, 1612, f. 8 *a*.)

'Quod est, quia si res intellectæ et intelligentia sunt unum, et intelligentia scit essentiam suam, tunc proculdubio quando scit essentiam suam, scit reliquas res, et quando scit reliquas res, scit essentiam suam' (*ib.* f. 9 *a*.)

'Omnis sciens qui scit essentiam suam, est rediens ad essentiam suam reditione completa . . . Et hoc non est ita, nisi quia sciens et scitum sunt res una' (*ib.* f. 9 *b*.)

'Substantiæ autem factæ in tempore, non assimilantur substantiis sempiternis quæ sunt supra tempus per aliquem modum vel motum . . . Necessariæ ergo sunt substantiæ sempiternæ' (*ib.* f. 14 *b*).

'Necesse est ergo ut sit res aliqua quæ sit res tertia, media inter utrasque, cuius substantia cadat sub æternitate, et ipsius actio cadat sub tempore' (*ib.* f. 15 *a*).

XIII.

THE EXAMINATIONS AT PARIS ILLUSTRATED BY BOURGES.

(Additional note to vol. I. p. 450.)

The nature of the two Examinations at Ste Geneviève comes out much more plainly in the Statutes of some of the minor French Universities, which were based on the customs of Paris, than in the Registers of Paris itself. The clearest that I have found is the following Statute of Bourges, probably *circa* 1468–1480 (from Fournier, *Statuts et Priv. des Univ. franç.* III. No. 1863). It will be observed how the list of books required has shrunk. Bourges may well have adopted a lower standard than Paris: but still it is probable that the requirements of the Faculty even at Paris (especially at this late date) were *always* in practice less severe than on paper:—

'Item, statuimus quod, antequam aliquis accedat ad gradum licentie, tenebitur audivisse alios quatuor libros *Phisicorum*, tres libros *De Celo*, duos *De Generatione*, tres primos *Meteororum*, tres *De Anima*, *De Memoria*, *De longitudine et brevitate vite*, cum sex primis libris *Metaphisicorum* et sex primis *Ethicorum*, cum parte *Euclidis* et cum libro *De Sphera*.'

[For B.A. the Statutes require: '*Isagogen* Porphyrii, *Predicamenta* Aristotelis, duos libros *Periarmenias*, primos *Topicorum*,

duos *Ethicos* . . . tres primos *Phisicorum* cum parte quarti *Periermenias.*']

'Item, statuimus quod tenebuntur licentiandi respondere bis palam et publice, et poterunt esse quinque ad majus in uno die et in eadem disputatione; tamen sufficient quatuor. Et tenebuntur respondentes solvere presidenti suo quilibet unum scutum auri.

Item, statuimus quod, his peractis, Facultas deputabit quatuor magistros qui jam attigerint tertium annum a suo magisterio et qui non habeant scholares illo anno licentiandos ex sua regentia propria, qui deputati experimentum capient de sufficientia omnium licentiandorum. Et jurabunt dicti deputati quod recipient sufficientes et repellent insufficientes.

Item, statuimus quod, his sic peractis, ad relatum dictorum deputatorum sub suis signis manualibus fideliter traditis, cancellarius ordinabit dictos licentiandos secundum ordinem sibi per dictos deputatos datum, preponendo semper meliores et sufficientiores aliis, ut detur studentibus occasio bene studendi, et nemini fiat injuria pro loco.

Item, statuimus quod, antequam procedatur ad licentiam ipsorum licentiandorum, artium Facultas congregata ordinabit quatuor alios magistros a primis, qui in cameris deputatis examinabunt dictos licentiandos in propriis personis; et si non repererint eos tales quales primi examinantes retulerint reperiisse, referent Facultati, insufficientiam allegantes, qua Facultas cognoscet de errore primorum; quos si invenerit errasse, eorum errores poterit corrigere, loca mutando aut totaliter repellendo, si videantur insufficientes.

Item, statuimus quod, approbatione vel reprobatione facta per dictos secundos examinatores, in una sedula ponent suos licentiandos secundum ordinem debitum et signata suis propriis signis, et eam clausam tradent cancellario, cui licitum non erit divertere ordinem, sed secundum positum ordinem in sedula eos licentiabit.'

From this document, taken in connexion with others, it would thus appear that the process of taking the degree at Ste Geneviève involved the three following steps:—(1) *Examinatio in communibus* (so called because the candidates were not at present divided into *cameræ* or batches); an examination into performance of statutable conditions as well as a literary examination, before the Chancellor and Examiners, in which the candidates were divided into *cameræ* or classes, and arranged in order of merit within each *camera* or *auditio.* (2) Each *camera* or *auditio* was then subjected to a more detailed examination in the books by the Examiners of the Faculty (*Templatores in cameris* or *in propriis*). It would seem that these Examiners might, if they pleased, change the order of the Candidates in the same Auditio (see Fournier, III. p. 166). (3) The candidates were then sent to the Chancellor, who,

APPENDIX. XIII.

upon the report or *depositiones* of the Examiners *in cameris*, and after hearing their formal *collationes*, admitted them to the Licence in the order in which they were presented to him. Such at least was the view of his duty taken by the Faculty, though it is not improbable that he sometimes rebelled against it, as was constantly done by the Chancellor of Notre Dame.

At Nantes (1461) there were two Examinations, no doubt more or less corresponding to the two Examinations at Paris. At the first of these the 'cedulæ' of attendance at lectures, of Determination, and of Responsions were produced, and the candidate examined 'per singulos libros.' After this the candidate received his 'cappa.' At the second Examination he was examined 'particulariter et de specialibus et finaliter de metrificatura' (*ib.* No. 1595).

XIV.

THE EARLY TRANSLATIONS OF ARISTOTLE AND PLATO.

(Additional note to vol. I. pp. 37, 350.)

Boethius is usually credited with translations of all the books in the Organon. See for instance Prantl, *Gesch. d. Logik*, I. p. 680; Teuffel, *Hist. of Rom. Literature* (E. T. by Wilhelm Wagner), II. 1873, new ed. pp. 527, 528: and these translations are commonly included among his works. But the better opinion seems to be the one I have adopted in the text: see authorities mentioned in vol. I. p. 25. Valentin Rose (*Die Lücke im Diogenes Laërtius und der alte Übersetzer* in *Hermes*, Berlin 1866, I. p. 382) appears to take the same view. At all events it is clear—and this is all that is important for our purpose—that the translations of the other books of the Organon, afterwards attributed to Boethius, were quite unknown from the beginning of the Dark Ages down to the generation after Abelard.

The authorship of the medieval translation of Plato's Phædo is discoverable from a MS. of it in the Library of C. C. C., Oxford (No. 243), in which it is ascribed to 'Euericus Aristippus Cathinensis,' also described as 'Cathinensis Archidiaconus.' The same volume contains a translation of the Meno, which professes to have been made 'jussu domini mei gloriosissimi Siculorum regis Guillermi.' The MS. also informs us that the translator had been requested by Hugh, Abp. of Palermo, to translate Diogenes Laertius. These facts fix the date to between 1155 (when Euericus became Archdeacon) and 1166. Other indications narrow it still further to 1154-1160. The MS. was copied at Oxford by Frederick

Naghel of Utrecht in 1423, and formed part of Duke Humphry's Library. Mr. Poole refers me to an earlier MS. of this translation written in the fourteenth century in the Leyden University Library (No. 64). As to Euericus Aristippus, see the article of Rose cited above. For some of these references I am indebted to Prof. Bywater.

XV.

FEMALE GRADUATION AT BOLOGNA, ETC.

The following is from Gaspar Marianus de Varrano Lentius (*Responsum viro Batavo circa ea quæ Bononiæ de studiis præcipua notabilia sunt*, Bononiæ, 1719): 'Contigit pluries majoribus nostris audire ex cathedra fœminas jura docentes. Beltina de Calderinis, lauream jurium adepta, dicitur sustulisse vices Joannis de Sancto Georgio mariti, publice pro eo legendo. Novella item de Calderinis, cum Joannes de Lignano ejus vir distraheretur curis, cathedram ascendebat explicando jura. Battisia de Gozzadinis Laurea Juris coronata legit domi biennio, mox publice in Archigymnasio, incredibili plausu. Duas habuit filias Accursius legum glossator et ejus familiæ fundator Bononiæ, quæ jura exposuerunt, ut testantur Albericus de Rosate et Joannes Fravenlobius.'

The statement as to Battisia Gozzadini is found in no writer earlier than Ghirardacci (I. pp. 158, 159). See Fantuzzi, IV. p. 209; Sarti, I. p. 171. The other stories appear to be equally legendary. See (as to the daughters of Accursius) Fantuzzi, I. 37.

A more authentic instance of female graduation occurs in Facciolati, *De Gymm. Patav. Syntagmata*, XII, p. 91:

'Postremum nobis publicæ Laureæ exemplum Veneta matrona præbuit. Anno enim MDCLXXVIII Helena Lucretia Cornelia Jo. Baptistæ Marciani Procuratoris filia, cum in Philosophorum Collegio, quæ moris sunt, animose strenueque peregisset, in Cathedrali Basilica magisterii nomen et insignia publice accepit, paucis ante diebus adversus Græcum hominem, qui Philosophicas theses proscripserat defendendas, primum Latine, deinde Græce disputavit, adstantibus nostræ Venetæque civitatis primoribus. Antequam autem Patavio discederet, scholasticis titulis habituque ornata adolescentes duos Lauream petentes in Collegii aula rite interrogavit. Omnia porro hæc cum ad veritatem, non ad speciem et fucum, præstitisset, Academici Patavini, qui Recuperati dicuntur, publicam de ejus laudibus exercitationem habere voluerunt. Lubens adfuit. Cumque gratias toti ordini Latino sermone egisset, urbis Rectores, qui concioni præerant, Græcis carminibus laudavit.'

For the early female Doctors of Medicine at Salerno, see above, vol. I. p. 86. Cf. also above, vol. II. 79.

APPENDIX. XVI.

XVI.

THE VERCELLI CONTRACT.

(Additional note to vol. I. p. 156, and vol. II. pp. 12 *sq.*, 26.)

[From Balliano, *Della Universita' degli Studi di Vercelli*, 1868, p. 38.]

Carta studii et Scolarium Commorantium in Studio Vercellarum.

Anno dominice incarnationis 1228 indicione prima die Martis quarto Mensis Aprilis. Iste sunt conditiones apposite, et confirmate, et promisse ad invicem inter Dominum Albertum de Bondonno et Dominum Guillelmum de Ferrario, Nuncios et Procuratores communis Vercellarum constitutos per Dominum Rainaldum Trotum Potestatem Vercellarum nomine ipsius Communis super statuendis, et firmandis infrascriptis conditionibus, ut in instrumento facto per Petrum de Englesco Notarium apparebat ex una parte et ex alia Dominum *Adam de Canocho Rectorem Francigenarum, Anglicorum, Normanorum*, et Magistrum Raginaldum de Boxevilla, et Magistrum Enricum de Stancio eorum nomine, et nomine Universitatis Scolarium ipsius rectorie et Dominum *Jacobum de Yporegia Procuratorem Scolarium Ytalicorum*, ut dixit, et Dominum Guillelmum de Hostialio Vicarium Domini Curradi Nepotis Domini Archiepiscopi, prout ibi dictum fuit, alterius Procuratoris et Italicorum, ut dixit, eorum nomine, et Universitatis Scolarium Italicorum, et Dominum *Gaufredum Provincialem rectorem Provincialium, et Spanorum et Catellanorum*, et Dominum Raimundum Guillelmum, et Dominum Pelegrinum de Marsilia eorum nomine et nomine Universitatis Scolarium ipsius rectoriæ ex alia, videlicet, quod Potestas Vercellarum nomine ipsius communis et ipsum commune dabit Scolaribus, et universitati scolarium quingenta hospicia de melioribus que erunt in civitate, et si plura erunt necessaria, plura, ita videlicet quod pensio melioris hospicii non excedat summam librarum decem et novem papiensium, et exinde infra fiat taxatio aliorum hospitiorum arbitrio duorum scolarium et duorum civium, et si discordes fuerint, addatur eis Dominus Episcopus vel alius discretus clericus de capitulo Vercellarum ad electionem communis, ut si tamen canonicum elegerit rectores eligant quem velint, et debeat solvi pensio hospiciorum ad carnem privium (*sic*). Si autem essent plura hospicia in uno contestu apta scolaribus, licet ejusdem hominis essent, vel unum haberent introitum, non debeant reputari pro uno hospicio, sed pro pluribus arbitrio predictorum.

Ita quod de istis quingentis hospiciis excipiantur domus, que sunt in strata, in quibus consueverunt recipi et recipiuntur hospites in nundinis Vercellarum, et albergantur per totum annum continue. Item Magistri et scolares hospicia que haberent conducta pro tempore teneantur reddere potestati qui pro tempore fuerit vel ejus nuncio, et si propter rixam vel discordiam vel aliam necessariam vel iustam causam ab eis peterentur a Potestate vel ejus nuntio ad voluntatem Potestatis, eis servatis indampnis antequam exeant illa hospicia; ita quod illa hospicia debeant evacuari, postquam petita fuerint a scolaribus arbitrio prædictorum vel iudicio Potestatis, et aptari ad opus studii infra octo dies, et si non facerent infra octo dies, ut supra dictum est, scolares, si voluerint, possint facere necessarias expensas de pensione domus. Item promiserunt predicti Procuratores nomine communis Vercellarum, quod Commune mutuabit scolaribus et universitati scolarium usque ad summam decem millium librarum p. p. pro duobus denariis ad duos annos, postea pro tribus usque ad sex annos, et portabit vel portari faciet commune Vercellarum prædictam pecuniam usque ad quantitatem sufficientem scolaribus ad locum aptum, et totum (tutum ?) scilicet Venecias, et ipsam eis dabit commune receptis pignoribus, et receptis instrumentis a scolaribus manu pubblica confectis, quæ pignora reddet commune Vercellarum scolaribus precaria cum fuerint Vercellis in hospiciis collocati, recepta idonea fideiussione scolarium et prestitis sacramentis a principalibus personis de reddenda ipsa pecunia, et quod cum ea non recedent in fraudem. Item quod cum scolaris solverit pecuniam sibi mutuatam, quod commune Vercellarum ipsum reservabit in erario communis, scilicet sortem tantum et de ea providebit commune alii scolari indigenti sub eodem pacto et simili conditioni, et quod ussure commune Vercellarum non computabit in sortem, et recipietur particularis solutio a scolaribus, scilicet tertie partis, vel dimidie, et fiet novatio predictorum debitorum, vel fidejussorum, vel precariorum. Item quod commune Vercellarum non dimitet victualia iurisdictionis Vercellarum extrahi de comitatu eorum, sed eas asportari faciet in civitate bona fide, et bis in septimana faciet fieri mercatum, et prohibebit quod dicta victualia non vendantur ante tertiam aliquibus qui debeant revendere, exceptis quadrupedibus et blavis et vino, et hoc salvis sacramentis et promissionibus Potestatis et communis Vercellarum de dando mercato specialibus personis, videlicet comiti Petro de Maxino et comiti Ottoni de Blandrate et comiti Gocio de Blandrate et comiti Guidoni de Blandrate. Item quod commune Vercellarum ponet in Caneva Communis modios quingentos furmenti, et modios quingentos siccalis ad mensuram Vercellarum, et illam dabit scolaribus tantum et non aliis pro

APPENDIX. XVI.

eo pretio quo emta fuerit; ita tamen quod scolares ipsam blavam teneantur emere pro pretio quo empta fuerit, quo usque duraverit, et hoc faciet commune Vercellarum tempore necessitatis ad petitionem scolarium. Item quod commune Vercellarum constituet salarium competens arbitrio, duorum scolarium et duorum civium, et si discordes fuerint, stetur arbitrio episcopi, et salaria debeant taxari ante festum omnium Sanctorum, et solvi ante festum Sancti Thome Apostoli, videlicet uni theologo, tribus dominis Legum, duobus decretistis, duobus decretalistis, duobus physicis, duobus dialecticis, duobus grammaticis. Ita tamen quod scolares Vercellarum et ejus districtus non teneantur aliqua dona Magistris vel Dominis dare. Ita quod dicti Domini et Magistri, qui debent salarium percipere a Communi Vercellarum, eligantur *a quatuor Rectoribus, scilicet a Rectore Francigenarum, a Rectore Ytalicorum et Rectore Teotonicorum, et Rectore Provincialium* iuratis, quod bona fide eligent meliores Dominos et Magistros in civitate, vel extra, et substituent eis alios meliores usque ad certum gradum, quos crediderint posse haberi ad salarium, et stabitur electioni trium, si autem tres non fuerint concordes addatur eis qui pro tempore reget in Theologia, promittens in verbo veritatis, quod bona fide eliget meliorem de illis de quibus inter Rectores erit controversia, et electioni ejus stetur, et omnes prædicte electiones fiant infra quindecim dies intrante mense Aprilis. Item qui pro tempore erit Potestas Vercellarum mitet infra quindecim dies post electiones factas de Dominis et Magistris propriis expensis communis Vercellarum fideles Ambaxatores juratos, qui bona fide ad utilitatem studii Vercellarum querent Dominos, et Magistros electos et eos pro posse suo obligare procurabunt ad legendum in civitate Vercellarum. Item quod commune Vercellarum servabit pacem in civitate, et districtu Vercellarum, et ad hoc dabit operam Potestas et commune Vercellarum. Item quod nullum scolarem pignorabit pro alio scolari nisi pro eo specialiter fuerit obbligatus communi Vercellarum. Item quod si aliquis scolaris, vel ejus nuncius robatus fuerit in civitate Vercellarum vel ejus districtu sive in alio districtu, quod commune Vercellarum faciet idem pro eo; et (ut?) faceret pro alio cive Vercellarum, dando operam bona fide et fideliter cum litteris et Ambaxatoribus ut suum recipiet. Item non offendent scolares, vel eorum nuncios ad eos venientes, nec capient propter aliquam guerram; vel discordiam, vel rixam, quam commune Vercellarum haberet cum aliqua civitate, vel cum aliquo Principe seu castro, sed vel licentiabit commune Vercellarum ipsos, vel affidabit. Item quod commune Vercellarum eos tractabit in civitate, et in ejus districtu sicut cives. Item quod iusticie exhibitione serventur scolaribus eorum privillegia, nisi eis specialiter renunciaverint, et exceptis maleficiis in quibus com-

mune Vercellarum plenam habeat iurisdictionem. Item quod commune Vercellarum habebit Universitati scolarium duos bidellos, qui eodem gaudeant privillegio quo scolares. Item habebit commune Vercellarum duos exemplatores, quibus taliter providebit, quod eos scolares habere possint, qui habeant exemplantia [exemplaria ?] in utroque jure et in Theologia competentia, et correcta tam in textu quam in gloxa, ita quod solutio fiat a scolaribus pro exemplis secundum quod convenit ad taxationem Rectorum. Item si aliqua discordia oriretur inter scolares, commune Vercellarum non favebit aliquam partem, sed ad pacem et concordiam commune dabit operam. Item quod predictas conditiones servabit commune Vercellarum usque ad octo annos. Item quod scolares vel eorum nuncii non solvant pedagia in districtu Vercellarum que sint et perveniant in commune Vercellarum. Item Massarios communis dantes pecuniam scolaribus non habebit commune Vercellarum, nisi duos, et illos non mutabit nisi semel in anno. Item Potestas Vercellarum, et ipsum commune teneantur mittere per civitates Italiæ, et alibi, secundum quod videbitur expedire Potestati vel communi ad significandum studium esse firmatum Vercellis, et ad scolares Vercellarum ad studium immutandos [invitandos ?]. Item predictas conditiones commune Vercellarum ponet in statuto civitatis Vercellarum, et Potestas, qui pro tempore fuerit, iurabit eas servare in sui principio, sicut certa statuta civitatis, et faciet iurare suum successorem, et ita successive usque ad octo annos, et nullo modo de statuto Vercellarum usque dictum terminum sive octo annorum ante extrahantur, et super iis omnibus duo instrumenta uno tenore confecta fiant. Item promiserunt predicti Rectores et scolares eorum nomine et nomine aliorum omnium scolarium de eorum rectoria predictis procuratoribus nomine communis Vercellarum, quod bona fide sine fraude dabunt operam, quod tot scolares venient Vercellis, et morentur ibi in studio quot sint sufficientes ad predicta quingenta hospicia conducenda, et quod universum studium Paduæ veniet Vercellis et moretur ibi usque ad octo annos; si tamen facere non poterint, non teneantur. Item quod fuit de eorum concordia quod Domini vel Magistri vel scolares non debeant advocari in aliqua causa in civitate vel districtu nisi pro scolaribus vel pro suis factis, vel coram delegatis ab utroque Principe vel in foro ecclesiastico coram ecclesiasticis personis. Item quod Domini vel Magistri vel scolares vel Rectores non erunt in aliquo facto vel consilio in detrimento civitatis Vercellarum, et si sciverint aliquem vel aliquos facere vel tractare aliquid contra honorem et statum communis Vercellarum bona fide prohibebunt ne recedant et Potestati Vercellarum quam citius poterint manifestabunt.

Item promiserunt, quod non capient partem aliquo modo inter

APPENDIX. XVI.

cives Vercellarum vel eius districtu. Item fuerunt in concordia, quod quilibet rector tantam habeat potestatem in omnibus negociis scolarium quantum alius, nec aliquis ipsorum habeat majorem potestatem propter maiorem numerum scolarium. Unde plures carte uno tenore scripte sunt. Actum in Padua in hospicio Magistri Razinaldi, et Petri de Boxevilla, presentibus Domino Philippo de Carixio Canonico Taurinensi et Bono Joanne de Bondonno, et Martino advocato Vercellensi.

Ego Bonus Joannes Notarius civis Vercellensis filius quondam Manfredi nequx [*sic*] hiis omnibus interfui, et hanc cartam tradidi, et jussu ambarum partium scripsi, et scribi feci.

Dr. Cogo (*Intorno al trasferimento d. Univ. d. Padova*, Padova, 1892) has questioned the genuineness of this document, but his reasons seem to me quite inadequate.

XVII.

PAPAL DEGREES.

From a very early period we find the Pope interfering with the ordinary working of the academical system in order to confer degrees upon favoured individuals. One of the earliest instances occurs in 1218, when Honorius III specially directed 'Petro de Capua, W[illelmo] de Ponte Arce et Ricardo Anglico (sometimes identified with Richard le Poor, afterwards Bp. of Durham) doctoribus Parisiensibus,' to examine Matt. de Scotia, and if found sufficient, to admonish the Chancellor of Paris to license him in Theology. In other cases, the Bull merely dispensed the candidate from some of the statutable conditions, e.g. directed that he should be admitted at once to the reading of the Sentences. It became a regular system to grant this privilege to Friars who had received, or were supposed to have received, the earlier stages of their theological education in Convents outside the Universities and who were sent to Paris simply to graduate. At other times the Papal Bull authorized certain ecclesiastics not only to examine but to actually confer the Mastership upon the candidate. (Wadding, *Annales Ordinis Minorum*, VIII. p. 585; X. p. 477.)

By the fifteenth century such Commissions to confer degrees, whether permanent and general, or simply *ad hoc*, had been largely multiplied. Thus the *Statuta Artistarum* of Padua, Venice, 1596 (f. xxviii *a*) recite that 'Plerique uel paupertate coacti uel alia causa inducti quum non possint uel nolint ex aliqua causa se subiicere examini clarissimi collegii in artibus medicinæ baccalariatus

uel doctoratus gradum sumunt ab aliquibus qui ex apostolica uel imperatoria auctoritate facultate[m] et priuilegium habent huiusmodi baccalarios uel doctores creandi.' The Statute goes on to enact that nobody in the Paduan territory is to take such degrees without paying to the University the fees which he would have had to pay for graduating in the regular way.

So in England (Rot. Claus. Ric. II. 14 m. 32) the King complains that certain Dominicans 'in lege diuina minime approbati seu instructi set apotastate (*sic*) et notorie viciosi et . . . per ordinem predictum carceribus condempnati mare transeuntes gradum sibi magisterii ac alias gracias exemptorias subdole ac fraudulenter impetrant et procurant.'

Complaints of the multiplication of these *Doctores bullati* might be produced to any extent.

I have seen the statement that in post-medieval times the right of granting degrees was charitably bestowed by the Pope as a source of revenue upon monts de piété! But I have not been able to verify this allegation.

It appears that the Emperor likewise (but more rarely) exercised the right of making *Doctores bullati*, and even delegated it to others, e. g. the Count Palatine (Itterus, *De honoribus sive gradibus academicis*, pp. 134 *sq.*, 347).

XVIII.

SCHOOLS IN LONDON.

There was never a University in London; but it is interesting to observe that there was a kind of loose Association among the Masters of its various Schools of exactly the kind which elsewhere developed into a University. This development never took place at London, because the Schools were only Schools of Grammar and Logic. The following account of them is given in Fitz-Stephen, *Description of London* [ed. Pegge], London, 1772, pp. 62–65 (written *circa* 1174–79): 'In Lundonia tres principales ecclesiæ [? S. Paul's, S. Martin's, S. Mary Arches] scholas celebres habent de privilegio et antiqua dignitate. Plerumque tamen favore personali alicujus notorum secundum philosophiam plures ibi scholæ admittuntur. Diebus festis ad ecclesias festivas magistri conventus celebrant. Disputant scholares, quidam demonstrative, dialectice alii: hii rotant enthymemata, hii perfectis melius utuntur syllogismis. Quidam ad ostentationem exercentur disputatione quæ est inter collectantes; alii ad veritatem, quæ est perspectionis gratia. Sophistæ simulatores agmine et inundatione verborum beati

APPENDIX. XVIII.

judicantur, alii paralogizant. Oratores aliqui quandoque orationibus rhetoricis aliquid dicunt apposite ad persuadendum, curantes artis præcepta servare, et ex contingentibus nihil omittere. Pueri diversarum scholarum versibus inter se convixantur; aut de principiis artis grammaticæ, vel regulis prætoritorum vel supinorum, contendunt. Sunt alii qui in epigrammatibus, rythmis et metris, utuntur vetere illa triviali dicacitate; licentia Fascennina socios, suppressis nominibus, liberius lacerant; lædorias jaculantur et scommata; salibus Socraticis sociorum, vel forte majorum, vitia tangunt; vel mordacius dente rodunt Theonino audacibus dithyrambis. Auditores

"multum ridere parati
Ingeminant tremulos naso crispante cachinnos."'

Blackstone declares that 'King Henry the Third, in the nineteenth year of his reign, issued out an order directed to the Mayor and Sheriffs, commanding that no Regent of any law schools within that city should for the future teach law therein' (*Commentaries*, I. 23). I have been unable to trace this document, which is not in the Patent or Close rolls of that year. Part of it is preserved by Coke (*Institutes* II. Proem.), from whom no doubt Blackstone took it: 'Quod per totam civitatem London. clamari faciant et firmiter prohiberi, ne aliquis scholas tenens de legibus in eadem civitate de cætero ibidem leges doceat, et si aliquis ibidem fuerit hujusmodi scholas tenens, ipsum sine dilatione cessare fac. Teste rege &c. 11 Die Decembris, anno regni sui decimo nono.'

The teaching aimed at may have been teaching in the Laws of England, and may in that case have been intended (as suggested by Pearce, *Hist. of the Inns of Court*, London, 1848, p. 18) as a measure of protection for the Inns of Court, which lay of course outside the city boundaries. Or—perhaps more probably—it may have been an attempt to teach the Civil Law. The study of Roman Law was so vigorous in England at the end of the twelfth, and beginning of the thirteenth, century, that an attempt to teach it in London would have been extremely probable. But for the opposition with which the attempt was met, it is probable (i) that we should have had a University in London, (ii) that the Common Law would have been profoundly modified by an enormously greater infusion of Roman Law than any that has actually taken place.

As to the Grammar Schools of London, see also Sir George Buck's *The Third Universitie of England*, appended to Stow's *Chronicle of England*, London, 1631. For a Guild of young Scholars, founded at Lynn in 1383, see Toulmin Smith's *English Gilds* (ed. Brentano, London, 1870), p. 51.

XIX.

LAW STUDIES AT OXFORD IN THE TWELFTH CENTURY.

Twyne (MSS. XXII. p. 164) gives an extract from some lost portion of the work of Giraldus Cambrensis, no doubt the burned portion of the *Speculum Ecclesiæ*:—

'In altero MS° qui continet opera quædam Sylvestri Gyraldi, viz. eius Distinctiones libris 4.' Ubi in præfatione ad librum primum distinctionum suarum sic loquitur Gyraldus:

"Proinde etiam verbum illud quod apud Oxoniam nostris diebus a clerico quodam cui nomen Martinus, qui et Bononiæ in legibus aliquandiu studuerat et literis tamen antea prouectus fuerat, pauperistis quorum ibi tunc copia fuit, dum pauperum S. liber ille sic dictus in pretio stetit, responsum erat, hic recitare præter rem non putavimus. In quodam enim scholarium conuentu non modico ubi et causæ coram iudicibus ventilabantur et controversiæ cum alijs cunctis qui aderant aduocatis qui contra ipsum omnes esse consueuerant et ipse quoque contrarius uniuersis, lex una quæ contra ipsum expressa videbatur, obiecta fuisset et conclamantibus cunctis et insultantibus 'per hanc legem Martine salies sicut et symiæ saltandi dici solet perque legem istam velis nolis saltum facies,' curialiter ab ipso, mordaciter tamen et lepide satis responsum est in hunc modum: 'Si saliendum est mihi, saliam quidem, sed saltum quem vos fecistis omnes et (?) cum animaduerterem scilicet usque ad Imperatoriam maiestatem si nempe debeatis et corpore medii, nec feci reuera nec faciam.'"'

The passage is paraphrased by Wood, *Hist. et Antiquitates Universitatis Oxon.* I. p. 56 (copied by Holland in *Collectanea*, II. p. 176); but the above is clearly the actual text.

The allusion to the 'imperatoria maiestas' seems to betray the origin of the story. It is probably one of the numerous stories told about the disputes between Martinus and the other Bologna Jurists (cf. above, vol. I. pp. 255. 259) at the Court of Frederick I, which Giraldus, consciously or unconsciously, transferred to Oxford in much the same way as University stories are transferred from Oxford to Cambridge, and from one great personage to another, at the present day.

APPENDIX. XX.

XX.

ARISTOTLE IN OXFORD.

(Additional note to vol. I. pp. 38, 350 *sq.*; II. p. 521.)

The following is from the unpublished *Compendium studii Theologiæ* of Roger Bacon (MS. in the Library of University College, Oxford, No. XLVII. pt. i. *ad fin.*: I owe the reference to Twyne MSS. XXII. p. 228):—

'Tarde vero venit aliquid de philosophia Aristotelis in usum Latinorum quia naturalis philosophia eius et metaphysica et commentaria Auerrois et aliorum super hiis temporibus nostris translata sunt, et Parisius excommunicabantur ante annum Domini 1237 propter æternitatem mundi et temporis et propter librum de diuinatione somniorum, qui est tertius de somno et vigilia et propter multa erronee translata. Etiam Logicalia fuerunt tarde recepta et lecta, nam beatus Edmundus Cantuariæ Archiepiscopus primus legit Oxoniæ librum Elenchorum temporibus meis, et vidi Magistrum Hugonem qui primo legit librum Posteriorum et verbum eius conspexi. Pauci igitur fuerunt, qui digni habiti sunt in philosophia predicta Aristotelis respectu multitudinis Latinorum, imo paucissimi et fere nulli usque in hunc annum d^ni^ 1292, quod in sequentibus copiosissime et evidentissime patefiet. Et tarde conata est Ethica Aristotelis et nuper lecta a magistris et raro: atque tota philosophia reliqua Aristotelis in mille voluminibus, in quibus omnes scientias tractauit, nondum translata est, nec communicata Latinis.'

XXI.

HONORIUS III AND OXFORD.

The following Bulls, in which allusions occur to the Chancellor of Oxford, have never yet been printed.

Twyne gives the following account of a Bull which is not found in the published Registers of Honorius III (MSS. XXIII. p. 67):—

'Bulla Honorii papæ, dat. Laterani 3° Cal. Aprilis pontificatus sui a° 5°, in qua M^r^. W. Scoto Archidiacono Wygorn., Cancellario Oxon., nec non Willelmo Rectori Ecclesiæ de Cercell potestatem facit cognoscendi causas decimarum de diversis parochiis Osneyensibus debitarum, necnon testium qui decrepiti et senes iam erant in cautelam futuram examinandorum; deinde subjicitur illorum summonitio Rectori Ecclesiæ de Beketo ut intersit recep-

tioni huiusmodi testium si velit in crastino Octabarum Apostolorum Petri et Pauli anno ab incarnatione domini 1221.'

Except that Twyne continues:—

'Hæc omnia in uno eodemque scripto extant ubi simul cum illa summonitione recitatur bulla illa predicta papalis, et in fine illius chirographi sic habetur:

"Et in huius rei testimonium presenti scripto sigilla nostra apposuimus, hæc autem a nobis duobus facta sunt quoniam tertius, scilicet Cancellarius, de quo in literis Apostolicis facta est mentio tunc temporis in rerum natura non fuit."'

This notice appears among 'Excerpta ex variis chyrographis et chartis tunc Prioratus S. Frideswydæ tunc Monasterii Osney, in chartario Ecclesiæ Ædis Christi Oxon.—sub aula eiusdem collegii.' As far as I can ascertain, the document must be lost.

There is a marginal note: 'Vidi tamen aliud scriptum ad hanc ipsam formam, Walteri scilicet Archidiaconi Wygorn. et Cancellarii Oxon. sub sigillis suis de hac ipsa materia et absque sigillo Decani Oxon., a° domini 1221 die lunæ proximo post festum sanctæ Frideswydæ super decimis de Kencote et Nortune.'

A Bull is preserved in the Archives which runs as follows (S. E. P.—Y. 2):

'Honorius episcopus servus servorum Dei dilectis filiis . . . Archidiacono Wigorniensi et . . . Cancellario et Decano Oxonie Lincolniensis diocesis Salutem et Apostolicam benedictionem. Ex parte . . . Abbatis et conventus de Oseneia fuit nobis humiliter supplicatum ut cum ius percipiendi decimas in diuersis parrochiis ex canonica concessione obtineant ab antiquo, illos qui facti huiusmodi habent notitiam cum ualitudinarii sint et senes ne ueritas occultetur et probationis copia fortuitis casibus subtrahatur recipl ad testimonium faceremus, Nos autem discretioni u[estre] per Apostolica scripta mandamus quatinus huiusmodi testes idoneos quos iidem Abbas et conuentus uobis duxerint presentandos diligenter examinare curetis et eorum dicta in publica faciatis redigi munimenta, denuntiando illis quos huiusmodi causa contingit ut receptioni testium si uelint intersint et super denunciatione sic facta faciatis confici publicum instrumentum. Quod si non omnes hiis exequendis potueritis interesse duo uestrum ea nichilominus exequantur. Dat. Laterañ. III Kal. Aprilis Pontificatus nostri anno quinto [March 30, 1221: Seal missing].

The *executorium* is in S. E. P.—Y 3. Other documents of the same kind and date, once in Pix Y 7, are lost.

A Bull about a similar tithe-dispute, referring it to the Prior of S. Frideswyde, the Dean of Oxford, and the Chancellor of Oxford, in 1231, with the decision of the delegates, is preserved

APPENDIX. XXI.

among the MSS. of the Dean and Chapter of Ely. The document runs: 'Omnibus sancte matris ecclesie fidelibus presens scriptum uisuris et audituris Prior sancte fredeswide Decanus et Cancelarius Oxonie salutem eternam in Domino. Mandatum domini pape in hec uerba suscepimus. "Gregorius Episcopus seruus seruorum Dei Dilectis filiis priori sancte fredeswide Decano et Cancelario Oxon. lincolniensis dioc. salutem et apostolicam benedictionem. Querelam G. rectoris ecclesie de bluntesham recepimus continentem quod venerabilis frater noster Episcopus prior et conuentus Eliensis . . . Datum Reate 9 kal. julii pontificatus nostri anno quinto." Huius ergo auctoritate . . . In huius rei testimonium huic scripto signa nostra apposuimus. Anno incarnationis domini M CC XXXIII facta fuit hec compositio.' Other Papal delegations to the Chancellor of Oxford in 1235 and 1236 occur in Bliss, *Transcripts*, I. pp. 148, 150.

XXII.

CONFLICT BETWEEN MASTERS AND SCHOLARS AT OXFORD, ? 1338.

(See above, vol. II. pp. 397, 398.)

'Quidam conflictus contigit Oxoniæ die sabbati in festo S. Benedicti Abbatis anno eodem (scilicet anno 1330) inter Magistros Oxoniæ tam Regentes quam non Regentes ex una parte et communitatem scholarium eiusdem ex alia; eo quod quidam scholares insolentes qui nolebant antiquis universitatis legibus circa pacis conservationem et perturbatorum pacis punitionem ab antiquo usitatis obedire liberius solito pacem perturbare volebant, unde et multitudinem juvenum sibi ad resistendum suis magistris illicite adunabant. In ipso autem conflictu ex utraque parte quamplures vulnerati erant, et quidam interfecti; tamen victoria cessit scholaribus 3° nonas Aprilis, videlicet die Veneris proxima ante Dominicam in Ramis palmarum.'

These are copied by Twyne (MSS. XXII. p. 366), as 'excerptum ex quodam veteri chronico quod olim pertinuit ad ecclesiam Lichfeldensem,' with the note 'Chronicon unde hæc nota desumpta est, pertingit ad annum domini 1347. Ibi etiam multa habentur de ecclesia Lichfeldensi.' There is also a marginal note 'Mr. Allen,' but I have been unable to find the MS. among Allen's MSS. contained in the Digby bequest to the Bodleian, or to trace it elsewhere. There must be some mistake about either the year or the day: the dates given would be possible in 1338.

XXIII.

AN OXFORD 'FORMA.'

The following fragment, which has not been printed before, deserves preservation. It occurs in Twyne, XXII. MSS. 163 *sq.*, being copied by him from a MS. which it would be difficult or impossible now to trace :—

['In altero MS^{o} quod sic incipit ***utrum a sphæris cœlestibus continue mutabilibus, &^{c}.***, vbi sic lego]:

Hæc est forma incœptoris in artibus Oxoniæ, videlicet:

Liber Metaphysicorum per annum (connumerando dies festos).
Liber Ethicorum per 4 menses integros (con. dies fest.).
Geometria per unam septimanam integram (non con. d. f.).
Algorismus per 8 dies
Sphæra per 8 dies } non. con. d. f.
Compotus per 8 dies
Arithmetica Boetii per 3 septimanas integras (non con. &c.).
Priscianus magni voluminis vel Liber Politicorum vel 19 libri de animalibus communerando Libros de motu et progressu animalium audiatur per 6 septimanas integras non. con.
Priscianus de constructionibus partium.
Liber cœli et mundi per terminum anni.
Liber Metheororum per terminum anni.
4us Liber Topicorum Boetii.

Item oportet quod legat 2 libros logicales ad minus, unum de veteri Logica et alterum de nova vel ambos de nova et unum de libris naturalibus, videlicet libros 4 cœli et mundi vel 3os libros de Animalibus, 4 libros Metheororum vel duos libros de generatione et corruptione vel librum de sensu et sensato cum libris de memoria et reminiscentia, de somno et vigilia vel librum de motu animalium cum duobus minutis libris naturalibus.

Item oporteat (*sic*) quod bis respondeat et quater arguat in solennibus disputacionibus Magistrorum nec non disputando ad quodlibet, videlicet bis questioni et semel problemati. Item jurabit ante licentiationem quod provisum est sibi de scholis pro anno in quo debet regere.

Item oportet quod unum librum Aristotelis, textum videlicet cum questionibus, in scholis publice rite legat.'

Twyne XXI. 761 copies a similar 'forma' from the end of a MS. entitled 'Algorismus in prosa,' in the Merton College Library (which I have failed to identify):—

'Nota quod hæc est forma Inceptorum in Artibus:

Imprimis 4 libri Meteorum (*sic*).

APPENDIX. XXIII.

Item 4 de cœlo et mundo.
Item 4us Topicorum Boetii.
Amarchat.
Item Algorismus.
Item computus cum sphæra.
Item Arithmetica cum Geometria.
Item Liber Ethicorum.
Item XII de Animalibus.
Item 10 Libri Metaphysicæ.'

XXIV.

THE SEE OF LINCOLN FROM 1173 to 1209.

The vacancies alluded to in vol. II. p. 354 were as follows:—

1173. Geoffrey Plantagenet, natural son of Henry II, was elected and confirmed, but *never consecrated.* He resigned Jan. 6, 1182.
See vacant one year and a half.

1183. Walter of Coutances (Archdeacon of Oxford) was consecrated on July 3, 1183, and translated to Rouen in 1184.
See vacant two years.

1186. S. Hugh was elected Aug. 10 and consecrated Sept. 21, 1186. He died at the end of 1200.
See vacant nearly three years.

1203. William of Blois was elected in 1201, and consecrated in 1203. He died in May, 1206.
See vacant three years and a half.

1209. Hugh Wallis or Wells was consecrated Dec. 20, 1209.

XXV.

LOST COLLEGES AT OXFORD.

A. *Burnell's Inn or London College.*

London College may perhaps be considered an exception to what has been said above (vol. I. p. 573) as to the non-extinction of any Oxford College founded in the medieval period. It is, however, as will be seen, an exception which proves the rule. This College has, indeed, perished so completely, that its existence has been quite unrecognized by most of our University historians.

The indefatigable Twyne, however (MSS. XXIV. 588), tells us that, when Edward I expelled the Jews from England, their Synagogue in Oxford, with other adjoining buildings, was bought by William Burnell, Archdeacon of Wells and brother of the better known Robert Burnell, Bishop of that See, and was by him turned into a Hall for students, known as Burnell's Inn. So far it might appear that this was a mere unendowed Hall, and that the Archdeacon's purchase was simply an investment of money; but the following passage from the Chronicle of Mailros would seem to indicate that the Hall was meant as a habitation for the College maintained at Oxford during his lifetime by the purchaser's brother, Robert Burnell, Bishop of Bath and Wells. After speaking of the establishment of Balliol College, *sub anno* 1270, the Chronicler proceeds:—

'Et ibi [Oxoniæ] alia domus Scholarium melior illa [Balliol], qui percipiunt ad communiam suam xii denarios per circulum septimanæ de dono Episcopi Bathensis.' (*Chron. de Mailros*, ed. Fulman, ap. *Rer. Angl. SS.*, Oxoniæ, 1684, p. 241).

Licence for an Oratory was granted in 1291 (Lincoln Reg., Sutton, f. 25).

There is no evidence that the Bishop endowed the College; and, after his death in 1292, 'Burnel's Yn' became an ordinary Hall again, coming in 1307 into the possession of Balliol College (Wood, *City*, I. p. 155).

In the time of Henry IV, however, Richard Clifford, Bishop of London, acquired the Inn, and turned it into a College, henceforth known as London College, for a body of scholars whom he provided for during his lifetime, and to whom he left at his death in 1421 a sum of 1000 marks. This sum was not, however, to be invested in land—then the only possible form of permanent investment. The executors were simply directed to pay £40 a year to the scholars as long as the money lasted. When this sum came to an end, the College must have been left without endowment; though, as the scholars were presumably in possession of the Hall and paid no rent, the corporation must, it would seem, have survived, and vacant places been filled up by election. It remained as a College, with no endowment but its buildings. These are said to have been destroyed by Wolsey to make way for Christ Church.

The following is an extract from Bishop Clifford's will:—

'Item, lego mille marcas pauperibus scolaribus meis presentibus et futuris Oxonie in hospicio meo vocato Burnell commorantibus siue commoraturis et sociis dicti hospicii perseuerantibus et perseueraturis: ita quod de dictis mille marcis per executores meos Magistro et sociis antedictis pro eorum sustentacione

APPENDIX. XXV.

quadraginta libre annuatim ministrentur, quousque summa dictarum mille marcarum sic ut predicitur sit soluta et plenarie consummata.' (Lambeth Reg., Chich. i. f. 347.)

The College was still extant in 1425, when we find a rental or payment 'de Johanne Hertipole modo tenente magistri et scholarium de quodam hospitio nuper vocato Burnell's Yn modo Lundon College pro tenemento nostro,' &c. (Wood, *City*, II. p. 88). This passage is important as showing that the Master and scholars had a corporate existence and held property. We hear of London College as late as 1616 (Archives, Reg. G. 6, f. 316 *b*), a statement which it is difficult to reconcile with Twyne's account of its fate. Wolsey may have bought the Hall, but not destroyed it.

B. *S. Peter's House* (?).

A document is printed in Wood, *City* II 497, from the Register of Bishop Burghersh at Lincoln authorising the collection of alms on behalf of the 'pauperes domum S. Petri Oxon. inhabitantes.' This may conceivably have been a 'domus pauperum' of the type mentioned above, p. 657, but there is nothing to prove that the house was for scholars.

XXVI.

RELICS OF THE ANCIENT AUTONOMY OF THE OXFORD HALLS.

The following formal account of the admission of the present Principal of St. Mary Hall, the Rev. D. P. Chase, D.D., is a copy (which I owe to his kindness) of the entry made at the time in the Register of the Hall.

This day at two o'clock p.m. the Rev. Drummond Percy Chase, Master of Arts, Fellow of Oriel College, was admitted Principal of this Hall in the presence of Edward Rowden, D.C.L., Registrar of the University and Notary Public.

The Aulares present were—

Masters of Arts, two.
Bachelors of Arts, three.
Non-Graduates, seven.

Form of Admission.

The Rev. D. P. Chase was, at two o'clock p.m., conducted by the Vice-Chancellor and Bedels to the Dining-Hall.

The Vice-Chancellor addressed the Aulares, stating that he was

come in obedience to a letter, received on the day previous from the Chancellor of the University, to announce his Lordship's nomination of a Principal in the room of the Rev. Philip Bliss, D.C.L., lately deceased.

He next read the following passage from the Statuta Aularia, I. § 4. 1:—

'*De Principalibus aularum eorumque substitutis.*

Statutum est quod ad regimen aularum assumantur viri ætate matura et morum gravitate venerandi; saltem Magistri in Artibus, vel in Jure aut Medicina Baccalaurei; qui ad nominationem domini Cancellarii ab aularibus eligantur, et per Vice-Cancellarium ad præfecturam et regimen admittantur.'

He then read the letter of the Chancellor nominating to the vacant Principalship the Rev. Drummond Percy Chase, and submitted the nomination to the Aulares, by whom it was unanimously approved.

The Rev. D. P. Chase then took the Oaths of Allegiance and Supremacy, and the oath further prescribed by the Statuta Aularia, I. § 4. 2:—

'Quod Principales . . . observari facient.'

The Vice-Chancellor then made the admission in the following words:—

'Domine Principalis ego admitto te ad præfecturam et regimen Aulæ Beatæ Mariæ Virginis,' and, having briefly congratulated the Principal and the Aulares and made a cursory inspection of the Plate belonging to the Hall [a complete inventory of all the property being required, by the Statuta Aularia, I. § 6. 1, 'Statutum est . . . juxta verum valorem satisfacere,' to be deposited with the Registrar of the University] he returned, accompanied by the Principal, to his own lodgings.

Dec. 5, 1857. D. P. CHASE, Principal.

The only other trace of self-government left in the still valid Laudian Statuta Aularia is the provision (§ 273) that any of the moveables of the Hall may be alienated, if of less value that 40*s*., 'cum consensu majoris partis graduatorum' (§ 6. 2). If the value exceeds 40*s*., the consent of the Vice-Chancellor is required. I may add that even this scant recognition of the Society's autonomy seems scarcely consistent with the theory devised by modern lawyers, according to which the property of the Halls is held in trust for them by the University. The fact is that the Hall is a survival from a time when the modern notions about the incapacity of *Collegia* to hold property without incorporation

APPENDIX. XXVI.

by the State had not been developed: our lawyers have accordingly not known what to make of the institution.

Dr. Chase's reply to my enquiries as to the ownership of the site and buildings of St. Mary Hall is perhaps worthy of preservation, as illustrating the position of a Hall as a community occupying a House which is not its own.

'*The Buildings constituting the Quadrangle of St. Mary Hall* are in three holdings.

1. In the centre of the North side is a tenement, of two storeys, containing three sets of rooms, for which the annual Rent of Sixteen Pounds two Shillings is paid to Oriel College.

2. Adjoining this tenement on the East are Buildings,
   (*a*) of two storeys, containing three sets of rooms;
   (*b*) some "offices" behind the Quadrangle and not visible from it.

These are held from the Under-tenant of Magdalen College, originally at an annual Rent of £35; but since Michaelmas, 1862, £45.

3. The whole of the Eastern, Southern, and Western sides, and so much of the Northern as adjoins the Oriel tenement (1 above) are held of Oriel College at an annual Rent of £3. They include the Lodgings of the Principal.'

I have some recollection of having heard from the late Provost of Oriel that a lease of this last-named portion (3) was in existence and that it contained power of re-entry by the College if the property should ever cease to be applied to Academical use.

Under the Statute for the Union of Oriel College and St. Mary Hall, June 16, 1881 (page 321), Sections 1 and 2, this question will drop, 'on the first vacancy in the office of Principal of St. Mary Hall.'

All the Halls are doomed to extinction except S. Edmund Hall, which is placed under the government of Queen's College, by which the Principal has always been appointed.

For the election of Principals by the students in the London Inns of Chancery, as late as 1584, see Pearce, *Hist. of the Inns of Court*, p. 63.

XXVII.

THE CAMBRIDGE COMMENCEMENT.

The following is extracted from Gunning, *Ceremonies of the University of Cambridge*, London, 1828, pp. 120–125, as an illus-

tration of one of the last survivals in Europe of the ancient *Inceptio* or *Principium* (see above, vol. I. pp. 229 *sq.*, 285 *sq.*):—

COMMENCEMENT DAY.

On the Commencement Day, the Doctors in all Faculties and the Masters of Arts are created by their respective Fathers.

The bell begins to ring at nine o'clock.

The noblemen wear their robes, the Doctors their scarlet gowns.

When the Professors are ready, a Bedell directs the commencing Doctors in Divinity to put on their copes, and the commencing Doctors in Law and Physic to put on their robes.

The School-keeper gives printed copies of the forms observed at Creation to all Commencers; and to all Doctors in Divinity he gives the form of Profession.

A Bedell arranges the commencing Doctors according to the Seniority assigned them in a list given to him by the Professors in the respective Faculties.

He then precedes the Professors of Divinity, Law, and Physic, to the East end of the Senate-House, where the commencing Doctors are waiting.

He then precedes the Professor of Divinity, with his Sons, to the Vice-Chancellor's chair, the Professors of Law and Physic following with their Sons.

The Professor of Divinity then takes the chair, his Sons standing before him according to their Seniority, and the two Proctors take their places with their caps on.

The Senior Proctor taking off his cap, addresses the Professor in these words:

Venerande Pater ad Creationem.

The Professor makes his speech.

The Senior of the commencing Doctors then places himself at the right hand of the Professor, and turns himself towards the Senior Proctor, who says to him:

Domine Doctor incipe; and, at proper intervals,

Ad Oppositum.

Pone dextram manum in manum Doctoris.

Dabis fidem de observando Statuta, Privilegia, et Consuetudines hujus Academiæ approbatas.

Pone manum super librum.

Jurabis de continuatione Regiminis tui in biennium. Jurabis etiam quod extra hanc Universitatem nusquam, præterquam Oxoniis, in illa Facultate incipies, aut lectiones tuas solemniter resumes; nec consenties

APPENDIX. XXVII.

ut aliquis alibi in Anglia incipiens hic pro Doctore in illa Facultate habeatur.

Determinabis quæstionem in aurem Doctoris sedendo.

The Proctor then says, *Ad Professionem.*

The Doctor reads his Profession from the printed paper.

The Proctor says, *Exito*: after which the Doctor leaves his place.

The other Doctors of Divinity are created, separately, in the same manner.

The other Professors, who have Sons, make their Speeches, and proceed to Creation, as above; except that the *Ad Professionem* is not used.

Towards the close of the Speeches of the Professors, they introduce the ceremonies of giving their Sons the book, &c.

The book delivered by the Professor of Divinity is the Greek Testament; that delivered by the Professor of Law is Justinian's Institutes; that by the Professor of Physic is the Aphorisms of Hippocrates.

If any Persons are to be created Doctors of Music they appear in the habit of Doctor of Law.

The following Graces have been passed upon such occasions:

Placeat Vobis, ut A. B. *Musices Professor, bona venia cum vestra intret ad præsentandum* C. D. *ad incipiendum in Musica.*

Placeat Vobis, ut J. C. W. Musices Professor intret in habitu Doctoris in Jure Civili ad præsentandum A. B. *ad incipiendum in Musica.*

Cum in Academia nullus sit in Musica Doctor, Placeat Vobis, ut A. B. *Senior Procurator, istiusmodi Doctoris munus pro hac vice suppleat.*

The Professor, standing before the Vice-Chancellor's chair, says to each of them:

Authoritate mihi ab Academia commissa, Ego, J. R. hujus Academiæ in Musica Professor, creo, saluto, pronuncio te Doctorem in scientia Musica.

The Senior Proctor then takes the Father's seat, and the Junior Proctor, sitting at the table, says:

Honorande pater, ad Creationem.

The Bedell then calls from the Seniority list, made by the Proctor:

Magister A. Collegii —

The Proctor reads on, *Pone dextram manum in manum Magistri. Dabis fidem de observando Statuta,* &c. [ut supra].

Pone manum super librum.

Jurabis de continuatione Regiminis tui in quinquennium, &c. [ut supra].

XXVIII.

THE CHANCELLOR AND SCHOLARS OF SALISBURY, 1278.

The following is the agreement between the Sub-dean and the Chancellor of Salisbury alluded to above, vol. II. p. 396. It is taken from the *Liber Ruber* (f. 99) in the possession of the Bishop; to whose Deputy-Registrar, Mr. A. R. Malden, I am indebted for discovering the document which I knew only from the imperfect copy given by Caius, *De Antiq. Cantab.* p. 110.

'Die mercurii viii Idus Martii anno domini [*De iurisdictione Cancellarii Sarum.*] M°CC^mo septuagesimo VIII° presentibus in capitulo Saresberiensi dominis Waltero Decano, Domino Iohanne precentore, Simone Cancellario, Nicolao thesaurario, Stephano Berkensi et Henrico Wiltes'. archidiaconis, Willelmo Subdecano, Iohanne succentore, Willelmo penitentiario, Hugone de penne, Galfrido de Muleborn., Willelmo de Brimptoñ, Canonicis Saresberiensibus: Cum de iurisdictione inter scolares in Ciuitate Saresberiensi studiorum causa commorantes exercenda inter Cancellarium et subdecanum predictos, quorum uterque iurisdictionem ipsam ad suum officium pertinere dicebat, dissentio quedam exorta fuisset, tandem habito super hoc tractatu in capitulo die ipsa de utriusque expresso consensu conuenerunt in hunc modum—videlicet quod dictus dominus Cancellarius, ad cuius officium pertinet scolas regere, inter omnes scolares, cuiuscumque facultatis existant, studiorum causa in ciuitate ipsa commorantes, qui tanquam scolares certi doctoris, cuius scolas frequentant, recommendationem et testimonium habeant, de contencionibus ciuilibus et personalibus que pecuniarum interesse respiciunt, et scolasticis omnibus contractibus et eciam si laicus aliquem huiusmodi scolarium in consimilibus causis impetere voluerit, cognoscat et diffiniat et presbyteri ciuitatis decreta et precepta eiusdem cancellarii in hiis exequi teneantur. De aliis uero clericis et qui extra studium certi Doctoris scolas minime frequentantes ibidem moram fecerint, et de scolaribus ipsis, si forsan de lapsu carnis seu delicto alio ibidem commisso quod ad correccionem pertineat et salutem respiciat animarum, vocati fuerint, subdecanus ipse, qui est archidiaconus ciuitatis, iurisdictionem et correccionem habeat, exceptis tamen vicariis et clericis maioris ecclesie tam studentibus quam aliis, in quos Decanus cum capitulo et non alius ipso presente et Subdecanus similiter cum capitulo Decano

APPENDIX. XXVIII.

absente, secundum hactenus obtentam ecclesie consuetudinem, omnimodam iurisdiccionem et cohercionem exercebunt: ita quod Cancellarius ipse per se nullatenus intromittat de eisdem.'

This agreement is immediately followed by a deed of Giles [de Bridport], Bishop of Salisbury (1256–1262), founding a College for a small community of scholars, to be called the Scholares de Valle Scholarium ('domum in usum et perpetuitatem scolarium qui vallis scolarium vocabuntur') with the consent of the Dean and Chapter and also of the brethren of the Hospital of S. Nicholas at Salisbury, the College being situated before the said Hospital, between the Cathedral and the King's highway. It was to provide for a Warden and twenty 'honest and docible poor scholars' studying 'in divina pagina et liberalibus artibus.' The Warden is given 'cohercionem plenariam . . . tam in temporalibus quam spiritualibus' within the house and its precincts, with an appeal to the Dean. The foundation of such a College, though it does not absolutely prove the existence of a Studium Generale, tends to corroborate it.

XXIX.

A DAY'S WORK AT LOUVAIN IN 1476.

(Additional note to vol. II. pp. 653, 654.)

The following is from a Ducal ordinance for Louvain in 1476:—

'Curabunt tutores, ut scholares de mane surgant hora quinta, et tunc ante lectionem quilibet per se legat et studeat leges in ordinaria lectione legendas, una cum glossis . . . Post lectionem vero ordinariam missa, si voluerint, celeriter audita, venient scholares ad cameras suas et revidebunt lectiones lectas, commemorando et memoriæ imprimendo ea quæ tam verbo quam scripto a lectionibus reportarunt. Et inde ad prandium venient . . . Prandio finito, libris ad mensam unicuique delatis, repetent omnes scholares unius Facultatis simul, tutore præsente lectionem illam ordinariam, in qua repetitione servabit tutor illum modum, ut per discretas cujuscumque interrogationes concipere possit, an quilibet ipsorum lectionem bene audiverit et memoriæ commendaverit, et ut tota lectio per partes a singulis recitandas reportetur; in quo si diligens cura adhibebitur, sufficiet tempus unius horæ' (Molanus, *Hist. Lovan. Libri XIV*, ed. de Ram, *Acad. Roy. de Belgique*, Bruxelles, 1861, II. p. 940).

Then follows preparation for the Evening Lecture, the Lecture itself, while the two hours before supper are devoted, the first

to a private study of the Lecture, the second to a 'repetitio' with the tutor. After supper, 'interponet tutor jocum honestum per mediam horam et disputationem levem et jucundam per alteram mediam horam, et inde mittet ad dormiendum. Et diebus non legibilibus, exceptis dominicis, fiet post prandium circularis disputatio in qualibet tutela et alia exercitia pro providentia et discretione tutorum' (*ib.* p. 941).

Tutors have power to subtract wine or flesh.

XXX.

STATUTES OF THE OXFORD HALLS, 1483-1489.

These Statutes are not dated, but there can be little doubt that they are identical with the Code drawn up by the Chancellor with the 'advice and consent of the Congregation of Masters and of the Principals of Halls' (see above, pp. 467, 625). The volume in which these are contained is at present an uncatalogued MS. in the Bodleian Library (marked Rawlinson Statutes 34). The volume also contains, (1) the Statutes of S. Mary's College and (2) of the College of S. George (see above, p. 653). A copy of the S. Mary's Statutes, which had long disappeared, was recently discovered by Mr. Shadwell, Fellow of Oriel, but the two other Codes appear to have been unknown to all previous writers:—

'Ordinaciones'[1] et statuta edita per dominos Cancellarios huius [f. 1.] alme Vniuersitatis nostre pro tempore existentes ex discreto et maturo auisamento et concensu venerabilium cetus magistrorum ac principalium aularum ibidem ad vtilitatem et profectum scolarium, aularium studencium in eadem.

Statuta de deo ab aularibus colendo seruiendo et regraciando.

In primis statutum est quod nullus sustineat aliquem errorem vel conclusionem postquam de non tenendo eam sibi fuerit silencium impositum per principalem vel eius substitutum, sub pena tociens quociens iiijd.

[1] The marginal notes are in a later hand. The often repeated 'nota' has been omitted. As to the date, cf. *Mun. Acad.* p. 358.

APPENDIX. XXX.

[1] Item quod quilibet sit ad altam missam matutinas et vesperas in ecclesia parochiali in singulis diebus festiuis nisi ex legittima causa per principalem approbata vel eius substitutum, sub pena quadrantis.

Item quod nullus iuret ac vtatur iuramentis nisi requisitus fuerit ad iurandum in iudicio iusticia et veritate, sub pena oboli.

Item quod quilibet infra aulam existens cotidie audiat missam et dicat matutinas et vesperas secundum exigenciam sui ordinis vel condicionis, sub pena oboli.

Item quod quilibet specialiter assit in aula singulis diebus sabati et quinque vigilijs beate marie immediate post primam pulsacionem ignitegij in ecclesia beate marie quando cantatur antiphona beate marie omni excusacione postposita, nisi grauis infirmitas aut alia racionabilis causa prius per propriam personam alligata et per principalem approbata eum excusauerit, sub pena quadrantis. Et si venerit post incepcionem clausule *funde preces* [f. 1b.] etcetera quando cantatur *Aue regina*, vel post incepcionem clausule *per illud aue* quando cantatur *Benedicta*, vel post incepcionem clausule *resurrexit* quando cantatur *Regina celi*, seu post incepcionem clausule *ipsa stella* quando cantatur *Stella celi*, vel post incepcionem clausule *quia genuisti* quando cantatur *Sancta maria* consimiliter ut absens puniatur.

Item quod primus sedens in mensa primas gratias, et posterius[2] secundas gratias in singulis dicat refeccionibus, sub pena quadrantis.

Item quod quilibet in mensa, vtrasque gratias deo deuote fundat ita quod nullus gratias risu, garulatu, strepitu aut alio quouismodo impediat, sub pena quadrantis.

Item quod nullus sedens in mensa antequam gratiarum acciones deo altissimo reddantur ab eodem recedat, sub pena quadrantis.

Item quod quilibet aularis[3] intersit singulis sermonibus vniuersitatis diebus dominicis in pleno termino in ecclesia beate marie predicandis nec non alijs sermonibus vniuersitatis infra precinctum dici consuetis ad principalis sui vel eius substituti monicionem, sub pena quadrantis.

Item quod quilibet tempore prandij seu cene diligenter et pacifice attendat lecturam biblie vel alterius libri per principalem limitandi, sub pena oboli.

[1] 'Item . . . puniatur' is erased in MS.
[2] 'posterius' erased.
[3] 'collegiorum' is written above.

APPENDIX. XXX.

Statuta de honeste conuersando et bene gerendo.

Eciam statutum est quod vnusquisque tam propter honorem aule in qua degit quam sui ipsius in moribus honeste se gerat ita quod nulla loca de inhonestate suspecta exerceat neque viris diffamatis communiter se associet neque alicui de malo faciendo seu dicendo consenciat quouismodo, sub pena iiijd.

Item quod nullus ludum alearum tabellarum[1] vel ad pilam manualem, artemve gladij bimanualis seu bokelarie aut aliquem alium ludum inhonestum pacis perturbatiuum, studij subtractiuum, exerceat, sub pena tociens quociens iiijd. [infra precinctum collegij sive extra[2].] [f. 2.]

Item quod nullus fabulaciones iniquas aut garulaciones inhonestas verbave turpia aut scurrilia bonos mores corrumpencia proferat infra precinctum aule, sub pena quadrantis, toties quocies[3].

Item quod si aliquis aliquod crimen vel delictum tam graue ad extra committat vt sit infamatus ad infra vel communitas in eius persona scandalum verisimiliter paciatur, ipso facto nouerit se ab aula expulsum. De infamatis.

Item quod quilibet spaciaturus in villam vel campos secum si poterit vnum sociorum capiat suorum vt associatus securius et honestius transeat quam si solus exeat, ac vt cum eo eciam doctrina sit pocior et fama integrior, sub pena quadrantis.

Item quod cantu, clamore, vociferacione, instrumento musico aut quouis genere tumultus vel strepitus nemo socijs quo minus studere aut dormire veleant [*sic*], impedimentum afferat, sub pena quadrantis.

Item quod quilibet aularis tempore yemali ante horam octauam et ante horam nouenam in tempore estiuali infra aulam existat, sub pena jd. Ita quod de post sub eadem pena non exeat illa nocte.

Item quod nemo aularis infra vniuersitatem vel eius suburbia existens absque licencia principalis impetrata et causa racionabili subsistente extra aulam suam pernoctet, sub pena iiijd. Examinetur quod nullus transiliat muros de nocte post horam nonam sub-pena vj[s].

Item quod nemo extraneum secum pernoctantem habeat infra aulam sine lisencia a principali petita et obtenta, sub pena iiijd.

Item quod nullus extra lectum proprium cum aliquo socio absque licencia principalis petita et obtenta iaceat, sub pena jd.

[1] 'tabellarum' erased. [2] 'infra . . . extra' in a different hand.
[3] 'tocies quocies' in a different hand.

APPENDIX. XXX.

Item quod nemo cameram alienam socijs eiusdem camere prohibentibus aut socio illius vno prohibenti ingrediatur, sub pena jd.

viij^{d}. egrediendo vel ingrediendo. [f. 2b.]

Item si quis extra vniuersitatem proficisci se constituerit, is antequam vniuersitatem egrediatur suum decessum principali denunciet et locum ad quem iturus est licenciam ad hoc petendo sub pena vjd.

et tempus prodiundi rectori denunciet.

Item quod nullus aularis cameram aut partem camere infra aulam nisi ad limitacionem principalis occupare presumat, sub pena expulsacionis ab eadem.

Camerarum usus.

Item quod nullus aularis aliquam causam domesticam correccionem non excedentem, saltem infra aulam terminabilem, ad forinsecum tribunal trahat; hoc est quod nullus socium aut semicomminarium siue seruientem communem occasione aut precepto cuiusuis extra aulam quomodolibet molestare presumat neque ad hoc concilium det aut fauorem, principali ad hoc concensum non prebente, nisi talis sit causa que tantummodo a domino cancellario fuerit terminanda, sub pena ijs.

De litibus determinandis.

Item quod nullus dicta vel communicata infra precinctum aule vel quecunque alia secreta que in euentu ad dispendium vel infamiam eiusdem aule aut alicuius in ipsa commorantis redundare possit (*sic*) alicui reuelet, denudet aut deuulget ad extra nisi fuerint talia in quibus dominus cancellarius merito est consulendus, sub pena xijd.

Contra reuelantes secreta.

Item quod nullus inducat aliquem extraneum ad refeccionem, lecturam, antiphonamve sabatinam aut aliquem alium aularem actum communem sine licencia principalis, sub pena ijd.

De extraneis non inducendis tempore refeccionis.

Item quod nullus aularis tempore communium gaudiorum sit absens sed quod eis suam exhibeat presenciam, sub pena principali reseruata.

Item quod omnes et singuli aulares ad campos aut alia loca quecunque propter recreacionem commodum aut honorem communitatis alicuius aule per principalem ad transeundum moniti illuc insimul incedant ac inde pariter reuertantur, nullo eorum domi tunc remanente nisi racionali causa subsistente, ex licencia principalis, sub pena ijd.

[f. 3.]

Item quod quilibet aularis suo principali tamquam suo superiori et gubernatori debitum impendat honorem, et neque nutu, verbo, signo vel facto ipsum aliquatenus vilipendendo; nec contra ipsum in malum conspirabit aut fedus iniet, set ei in sui officij execucione humiliter continue parebit, sub pena expulsacionis ab aula et denunciacionis eiusdem domino cancellario pro rebelli.

Principalis vel rector qualiter honorandus.

Item quod quilibet aularis vnicuique alij sociorum suorum secundum gradus et status sui exigenciam deferat honorem, presertim illi qui in gradu et sciencia decoratur, sub pena iiijd.

Statuta de pace ab aularibus seruanda.

Ac eciam statutum est quod nullus aularis palam, publice vel occulte verbo signo vel facto, concilio fauore vel auxilio occasionem litis, discordie, brige vel discensionis generet, suscitet, moueat aut procuret, seu comparaciones odiosas patrie ad patriam, generis ad genus, nobilitatis ad ignobilitatem, facultatisve ad facultatem, quomodolibet faciat aut alleget. Nec in verba prorumpat opprobriosa vnde de verisimili briga poterit inter socios oriri. Neque aliquem sociorum suorum alio nomine quam suo proprio cognito contumeliose aut derisorie nominet quouismodo; sub pena tociens quociens vjd.

Item quod nullus infra precinctum aule socio suo aut semicominario seu batellario famulove communi de dampno inferendo minetur. Nec arma inuasiua seu defensiua publice vel occulte gerat nisi ad remota statim iturus fuerit vel a remotis de nouo venerit nec eadem in ira vllo modo contra aliquem predictorum leuet aut extrahat, sub pena xijd. et amissionis eorumdem preter satisfaccionem partis lese. Contra gerentes arma. [f. 3b.]

Item quod nullus infra precinctum aule socium suum, semicominarium seu batellarium, famulumve communem pulset, percuciet aut verberet, cum pugno, lapide vel aliquo alio instrumento eorum aliquam [*sic*] citra sanguinis effusionem, sub pena iijs. iiijd; sicut nec vsque ad sanguinis effusionem, sub pena vjs. viijd. et amissionis dicti instrumenti tociens quociens contingat preter satisfaccionem partis lese. Et si hoc ipsum itauerit ab aula sit expulsus.

Item quod nullus ad mensam cultellum euaginatum deferat sub pena tociens quociens quadrantis, [videlicet cum procuratoribus non sine licentia rectoris][1].

Item quod nocte contra pacem et statuta vniuersitatis nemo vagetur sub pena expulcionis ab aula. [Sic debet esse 'videlicet cum procuratoribus set non sine licentia rectoris id est principalis sui'][2].

Item quod quilibet scolaris trutannus seu discolus, scolas non frequentans, vagabundus, scurriuagus, errabundus de nocte, fornicarius, latro, communis pugnator, portator armorum, seminator discordiarum, conuenticulator discensionum inter personas aut communitates, fautor, receptator vel manutentor malefactorum, aut delinquens, contumax et iuri parere recusans, seu quisvis irretitus crimine accusacione dignissimo, sua mala conuersacione Vniuer-

[1] 'videlicet . . . rectoris' in a different hand.

[2] 'sic . . . sui' in a different hand.

APPENDIX. XXX.

sitatem scandelizans per statuta vniuersitatis pacis perturbator et studij censetur subuersor sentenciaque excommunicacionis innodatus. Statutum est quod quilibet talis ad monicionem sui principalis de desistendo a suo meleficio (*sic*) protinus totaliter desistat ab eodem sub pena expulcionis ab aula et denunciacionis pro tali qualis est domino Cancellario.

Item quod nullus accomodet arma sua alteri ad infra vel ad [f. 4.] extra neque penes aliquem extra aulam deponat aut dimittat sine licencia principalis, sub pena iijs.

Item quod quilibet prorumpens in verba opprobriosa erga alium Cessandum ad mandatum rectoris. aut aliquid iniuste faciens erga alium litem pariens ad mandatum protinus taceat principalis atque cesset, sub pena vjd.

Statuta de exercicio studij ab aularibus seruando.

Eciam statutum est quod nullus aularis in alio ydeomate quam latino, nisi illiterato aut extraneo, preterquam gaudiorum tempore et festorum principalium infra precinctum aule quomodolibet loquatur, sub pena tociens quociens quadrantis.

Item quod quilibet tam legi infra quam leccionem suam recitare congruis temporibus ad hoc assignatis teneatur, sic videlicet quod lecturam matutinam in aula et post meridianam recitacionem eiusdem quilibet in facultate sua diligenter et attente obseruet; quorum quilibet qui alteram partem pretermiserit vnius denarij pena coerceatur.

Item quod in communicacionibus et disputacionibus vnusquisque socium suum pacienter sustineat; quod si quis aliquod derisorium verbum in socium protulerit, eius scienciam, ingenium vel racionem deprauando vel quoquomodo odiosam comparacionem occasione communicacionis sciencialis fecerit, per quam pax forsan et tranquillitas aule perturbari possit seu doctrina omitti, sub pena ijd. aut maioris summe secundum discrecionem principalis puniatur.

Item publice lecture tam ordinarie quam extraordinarie secundum morem sue facultatis quilibet scolaris omni die legibili diligenter eidem attendendo intersit, sub pena quadrantis.

Item quod nullus scolaris stando aut sedendo in domibus laicorum [f. 4b.] aut vicis, studio relicto, ociosum se prestet, sed quod quilibet talis in alijs temporibus vltra tempora predicta lecturarum occupacionibus studiosis aut communicando cum alijs aut disputacionibus publicis vel priuatis interessendo aut per se studendo absque alicuius temporis perdicione se diligentissimum adhibeat, nisi alijs occupacionibus in termino pro tunc fuerit prepeditus, sub pena jd.

Item quod bacallarij arcium quique in suis habitibus disputacionibus solempnibus[1] magistrorum et bacallariorum omnino intersint. Atque quod omnes et singuli eorum in disputacionibus aularibus secundum cursus suos problemnata seu questiones teneant et eis respondeant, sub pena ijd. APPENDIX. XXX.

Item quod quilibet sophista per se vel per alium de racionabili causa impeditus per alium subrogatum suas vices ad supplendum cursu suo sophisma teneat siue sermonem ac eciam tali consimiliter respondeat; et hoc horis debitis eas minime posteriando, sub pena jd.

Item quod quilibet sophista vice alterius tenetur sophisma vel sermonem tenere vel ad huiusmodi respondere dummodo ad hoc sit aptus et congruo tempore monitus, sub pena oboli. Proarcistis.

Item quod quilibet sophista contra responsalem in sophismatibus et sermonibus in suo ordine replicet in morando; quousque singuli suas compleuerint replicaciones, sub pena quadrantis.

Item quod nullus sophista tempore sue lecture aut recitacionis seu sermonis disputati rabeat, garrulet, strepitum seu tumultum faciet quouismodo, sub pena quadrantis.

Item quod quilibet senior sophista quolibet die quo fit lectura in leccionibus cum suis communicet iunioribus, sub pena oboli.

Item quod quilibet sophista lectus in aliquo tractatu vltra communem tractatum quolibet die quo peruisum[2] tenetur eidem intersit diligenter attendens vbi quilibet generalis sophista semel ad minus in quolibet termino replicet, sub pena oboli.

Statuta de regiminibus in refeccionibus.

In primis statutum est quod vnusquisque post preconizacionem pulsacionem campane aut cornuflatum ad aliquam refeccionem, videlicet prandium et cenam, ad eam absque more dispendio veniat festinanter ne alias fercula diuidantur in preiudicium communitatis et ipsius tarde venientis, sub pena quadrantis. [f. 5.]

Item quod nullus causa prandendi, jantandi, cenandi aut batellandi aut quauis alia causa promptuarium ingrediatur aut coquinam, nisi gratia computandi seu in defectu famuli communis seruiendi aut alicuius cause racionabilis per principalem approbata (*sic*), sub pena quadrantis.

Item quod nullus ad aliquam refeccionem accedere presumat postquam in ea omnibus sedentibus de ciphis seruiatur neque ea vice in aula coquina vel promptuario se reficere presumat, nisi

[1] MS. solemnis.

[2] i.e. Parvisum. Cf. above, vol. I. p. 445 and vol. II. p. 448.

APPENDIX. XXX.

actu scolastico quo minus cicius ad ipsam refeccionem venire poterit id noscatur fuisse, sub pena quadrantis.

Item quod postquam secundum ferculum fuerit ablatum a mensa nullus mappam tardet[1] vt alius prolixius se reficiat in detrimentum communitatis, nisi batellauerit aut soluerit pro superueniente cibo et potu postea sumptis, sub pena quadrantis.

Item quod nullus aularis alicuius aule in qua ponuntur commune extra eam comminarius existat, nisi propter aliquam infirmitatem aut manifestam suorum extraneorum presenciam aut aliam causam racionabilem per principalem approbatam, sub pena iiij d.

Item quod quilibet scolaris potens in bonis ponere communes, habitans in aula in qua commune non tenentur, in aliqua aula vicina plus congrua vbi commune et lectura in sua facultate
[f. 5b.] habentur sit comminarius; nec non statutis aularibus ac principali ibidem in omnibus et singulis cum inhabitantibus eam equaliter sit subiectus. Nec non quod omnia et singula onera aularia consueta sue parti incumbencia cum quibuscumque penis pecuniarijs, si quas transgrediendo statuta incurrat, integro die assignato persoluat, aut ipso taliter ea non soluente bonorum suorum vniuersorum in predicta aula communas non habente incameratorum prefati principalis sine contradiccione pareat arestacioni.

Contra portantes cibaria extra aulam.

Item quod nullus in communis aut batellis panem aut potum aut porcionem suam piscium siue carnium habeat extra aulam aut in villam aliquod illorum destinet quouismodo, neque ciborum fragmenta, sed illa seruientibus vel pauperibus erogentur, sine licencia principalis obtenta, sub pena tociens quociens ijd.

Tertia expectanda refectio.

Item quod vbi quis absens fuerit a mensa sibi reseruentur carnes siue pisces vsque ad proximam refeccionem sine monicione ad hoc precedente. Et eciam pro pane et potu quadrantem retinebit; attamen carnes siue pisces vsque ad terciam refeccionem mancipium sibi non tenetur custodire, sed de eis disponat ad vtilitatem communitatis melius quo possit. Et si dies ieiunabilis in crastino subsequatur tunc vltra horam octauam eiusdem noctis nullatenus custodiantur sed ad vtilitatem disponantur communem.

Item quod carnes aut pisces porcioni alicuius in aliqua refeccione pertinentes sua voluntate ad mensam delatos et positos de mensa nemo transferat, sed huiusmodi omnia sic deposita in vsum communitatis conuertantur, sub pena quadrantis.

Item quod quilibet jurnellus ad mensam sedens in die ieiunabili pro vna refeccione soluat ijd. Alio die non ieiunabili soluat pro prandio jd. obolum, et pro cena jd. obolum.

[1] MS. 'terdet.'

Item quod post horam octauam in die Jouis de refeccionibus non habitis per septimanam precedentem aut minutis imparibus fiat nulli commensali allocacio sed tunc in vtilitatem communem conuertantur. [f. 6.]

APPENDIX. XXX.

Item quod quilibet aularis si per tres refecciones continuas seu interpollatas in eadem ebdomada in villa permanserit ad minus semicomminarius existat, sub pena xijd.

Item quod vnusquisque aularis habeat discos de propriis; alioquin terminatim soluat communis jd. obolum.

Item quod nullus occupet aut occupari faciat in suo negocio singulari aut priuato ciphum, discum, parapsidem, acetabulum, ollam, celaria, candelebra, mappas, aut res communes quascumque, seu ea in sua camera detineat per vnam noctem nec extra aulam exportet, sub pena quadrantis.

De rebus communibus non occupandis in particulari.

Statuta de aulis, gardinis et alijs locis publicis seruandis honeste.

In primis statutum est quod nullus deturpet aulam rabiando vel luctando, cirpos aut stramina subuertendo, aut super storia discurrendo, sub pena quadrantis.

Item quod nullus mappam effusione liquoris intingendo vel scindendo aut alio inepto modo deturpet, sub pena quadrantis.

Item quod nullus sculpturam, picturam, scissuram, puncturam, aut aliud deforme in mensa, pariete, hostio, vel fenestra faciat, sub pena quadrantis.

Item quod nullus sportum gardinum[ve] quouismodo inhoneste deturpet super herbas decurrendo, eas aut frangat aut asportat, sub pena oboli.

Item quod die limitato seu diebus limitatis per principalem ad reparandum gardinum omnes aulares sint presentes et circa id ad vtilitatem et honorem aule efficaciter prout eis iniungitur laborent.

Item quod quilibet eorum partem gardini secundum limitacionem principalis sibi ad faciendum assignatam congrue excolat et custodiat, sub pena ijd. [f. 6b.]

Item quod nullus infra sportum seu gardinum vrinam emittat aut effundat, fecesve cibariorum deponat, nec alibi infra precinctum aule preterquam in locis ad hoc deputatis, sub pena jd.

Item quod quilibet frangens vitreas fenestras aut alias res necessarias infra aulam aut aliquam cameram suis propriis expensis eas ad mandatum principalis illico reparare tenetur.

Item quod nullus manus suas in situla fontis lauare presumat, sub pena jd.

APPENDIX. XXX.

Item quod nullus aularis canes venaticos feronesve aut ancipitres alias aut auiculas singulariter teneat aut foueat infra precinctum aule, sub pena iiijd.

Statuta de officijs communium seruiencium.

In primis statutum est quod singuli seruientes sua fideliter et diligenter exerceant officia pro suis posse et sciencia ad commodum et profectum communem, tam in emendo necessaria ad communes quam in custodiendo et preparando ea. Ita videlicet quod omni penitus remoto amore, fauore, timore et lucro mancipium ibi et a talibus talia emat victualia et alia necessaria pro communis vbi et quando et a quibus ac que probabiliter credit melius et vtilius vtilitati et honestati communi expedire. Et quod ex deliberato proposito a principio nec ex postfacto mancipium emat aut disponat vt vnum ferculum maius sit aut melius altero vt sic omnibus commensalibus equaliter seruire poterit, sub pena jd.

Item quod nichil semel ad communitatem deputatum aliquis serviencium cuidam det aut alienet in preiudicium communitatis, nec ad hoc det consilium auxilium aut fauorem, sed diligenter illud conseruet ad vtilitatem communem pariter et disponat.

[f. 7.] Item quod seruientes diligenter obseruent horas prandij, biberij et cene debitas ac consuetas eisdem personaliter interessendo, ita quod, si debita alicuius refeccionis hora non fuerit, in defectu eorum aut eorum alterius, vt congruit obseruata pena feriatur duorum denariorum qui ipsorum in hac parte culpabilis est repertus et hoc tociens quociens.

Item quod mancipium ciphos mundos et honestos conseruet, seruisiam ab eisdem post quamlibet refeccionem finitam confestim evacuando, aulam et promptuarium simili sub forma honeste custodiat. Et cocus conformiter coquinam et sportum seruet et si quisquam ex eis aliquo eorundem culpabilis fuerit tociens quociens soluet communitati quadrantem.

Item quod mancipium quolibet die hostia sui officij serare vt oportet teneatur, et cocus barellos debite mundare, sub pena quadrantis.

Item quod mancipium seruet per se vel per alium promptuarium post cenam et ab hora cene vsque ad horam nonenam (*sic*) de nocte, sub pena quadrantis.

Item quod si seruientes communes sciant probabiliter aliquam discordiam ortam aut de verisimili orituram inter aliquos magistros suos aut vnum de magistris suis et alium, ex qua sequi possit pacis subuersio si statim non extinguatur, illam principali quam cito commode poterint secrete intimabunt, sub pena vjd. Item eciam si sciant aliquod dampnum communitati intulisse, illud cito principali integre denunciabunt, sub pena tociens quociens vjd.

Item quod batellarius quisquam in refeccionibus comminarijs de victualibus seruiat antequam se ad reficiendum transeat, sub pena ijd.

Item quod omnia secreta aularia que licet decet et expedit secreta remanere nullus seruiencium communium alicui ad extra referat aut reuelet, sub pena vjd.

Item quod nullus pro aliquo defectu seruientem redarguet aut obiurgetur, nisi prius principalem pro eius correccione sit allocutus, sub pena tociens quociens iiijd. [f. 7b.]

Item quod nullus occupet aut occupari faciat seruientem communem in suo negocio priuato tempore quo vacaret et seruiret communi vtilitati absque concensu communi et sui principalis, sub pena arbitrio principalis assignanda.

Statuta de solucionibus debitorum per aulares seruanda.

In primis statutum est quod quilibet aularis tam magistro vel doctori suo in ordinarijs lecturis atque bidello sue facultatis, secundum exigenciam sui status vel gradus, tempore consueto quantum consuetum est cumalaret (*sic*) quam principali suo pro sua lectura aulari iuxta antiquum morem aut conuencionem satisfacere in fine cuiuslibet termini teneatur, sub pena expulcionis et bonorum suorum arestacionis nec non denunciacionis eiusdem domino cancellario pro rebelli.

Item quod in fine cuiuslibet termini aliquo certo die per principalem limitato vnusquisque aularis eidem de sue camere pensione et pro salarijs seruiencium communium cum alijs oneribus consuetis integre persoluat quibuscumque, sub pena expulcionis et bonorum suorum arestacionis per principalem faciende et retinende quousque satisfec[er]it nec non denunciacionis eiusdem domino cancellario pro rebelli.

Item quod quilibet aularis cameram aut partem camere per se aut res suas occupans, aut habens cameram sibi reseruatam in aliqua aula, contribuciones ad lumen sancti Nicholai[1] et capicium coci necnon alia communia onera aularia subeat supportet et soluat, sub pena expulcionis et bonorum suorum arestacionis per principalem faciende et retinende quousque satisfecerit nec non denunciacionis eiusdem domino cancellario pro rebelli.

Item quod vnusquisque aularis pro communis suis aut alijs rebus emptis per mancipium pro vsu suo eidem ad minus in fine cuiuslibet mensis integre satisfaciat, sub pena expulcionis ab aula nisi aliqua racionabili causa secum per principalem cum concensu mancipij dispensetur. [f. 8.] In fine cuiuslibet mensis integre satisfaciat

[1] 'ad . . . nicholai' erased.

APPENDIX. XXX.

Item quod trahens moram per mensem alicuius termini in aula cum reliquis socijs suis per totum terminum ibidem morantibus mancipio et coco equaliter soluat stipendium.

moram trahens per mensem.

Item quod quilibet occupans cameram aut partem camere per se vel per res suas in festo sancti dionisij mense octobris pensionem camere eiusdem aut partis eiusdem pro termino illo integre persoluat; licet ante festum Natalis tunc proximi futuri dictam cameram aut partem eiusdem dimiserit. Et si in festo sancti Hillarij cameram huiusmodi occupauerit aut modo consimili retinuerit, residuum pensionis terminorum anni illius fideliter soluat, ad quod faciendum per arestacionem bonorum suorum et expulsacionis nec non denunciacionis (*sic*) eiusdem domino cancellario vt pro rebelli puniatur.

Statuta de impositore et eius officio.

In primis statutum est quod quolibet die sabati post gloriose virginis antiphonam decantatam et biberium completum auditaque racione impositoris ebdomade tunc finite, vnus alius sociorum deputetur aut duo deputentur in inpositorem, suum officium tota septimana ex tunc immediate futura continuaturum, qui idem officium recepere [*sic*] et exequi tenetur sub pena ijd., qui post illud susceptum, si tunc contingat ipsum illa septimana abesse, alium vices suas pro tempore sue absencie in eodem officio suppleturum officiumque huiusmodi executurum pena sustineat sub eadem: cuius
[f. 8b.] officium est quod quilibet pro vice sua qua limitatur esse impositor solicite et diligenter exploret omnes et singulos contra aliquod predictorum statutorum delinquentes cum suis delictis et excessibus, atque eos nemini parcendo audacter de suis delictis moneat et imponat atque eos et eorum delicta in fine sue septimane in redditu racionis de suo officio principali publice notificet et declaret et cetera alia faciat vt superius est memoratum que suo incumbit [*sic*] officio.

Item quod nemo impositori pro sui officij execucione eidem irascando indignatur (*sic*), minas contra eum aut contumelias quomodolibet inferendo, sed quod monicioni et imposicioni eius absque contradiccione licet monitus humiliter pareat prout decet ipsum gratuiter ferendo, sub pena jd.

Statuta de dictorum statutorum obseruacione execucione declaracione et dispensacione.

In primis statutum est quod principalis omnia et singula statuta predicta que ipsi cum socijs alijs communiter obseruare pertinent ad exemplum suorum aularium strictissime seruiat, nec non alios quoscumque aulares vniuersas prefatas ordinaciones que illorum custodire interest obseruare compellat, atque omnes defectus in

omnibus contrauenientibus eisdem statutis repertos corrigendo penas debitas absque remissione exequatur. APPENDIX. XXX.

Item quod si aliquis contra aliquod predictorum statutorum deliquerit et penam limitatam pro violacione eiusdem die per principalem statuto non soluerit aut subire seu implere recusauerit, ipso facto xijd. amittat communitati, vltra penam in huiusmodi statuto in quo deliquerit [?] contentam, et ab aula et communitate eius auctoritate principalis et communitatis sit expulsus. Si [f. 9.] execucioni alicuius predictorum statutorum seu execucioni vel leuacioni pene pro violacione alicuius eorumdem restiterit, aut correccionem alicuius delinquentis contra aliquod eorum impedierit, seu contra aliquam predictarum ordinacionum fedus inierit seu conspirauerit, eadem pena puniatur: atque, in quocumque casu istorum extiterit reus, illum principalis cum suo excessu pro obstinato domino cancellario denunciet.

Item quod cum omnibus memoratis statutis principalis causa racionabili subsistente dispensandi et penas eorum discrete commutandi habeat potestatem ceteraque omnia et excessus in illis non expressa suo etiam arbitrio cohercendi, nisi talia sint que correccioni domini cancellarij sunt reseruata.

Item quod vnusquisque scolaris manens sub magistro, tutore, aut creditore subeat in noctibus sabatinis publice correccionem corporalem, aut alias multam pecuniariam pro suis excessibus contra prefata statuta, factis denunciatis aut alias notorijs, a principali infligendum (*sic*) non obstante quod magister suus, tutor, curator aut creditor suus tunc dixerit se illos excessus correxisse aut se paratum esse ad corrigendum illos. magister, tutor, curator, creditor.

Item quod si aliquis casus vel aliqua ambiguitas in aliquo dictorum statutorum oriatur per easdem ordinaciones non decisa, pro ea declaranda ad domini cancellarij recurratur decisionem et eidem stetur, nisi propter necessitatem celeris declaracionis eiusdem periculum sit in mora; tunc principalis eam statim decidat et declaret, cuius decisioni in ea parte si quis duxerit resistendum ipso facto nouerit se a communitate expulsum.

Item quod nullus irritare aut impugnare seu vilipendere hec predicta statuta aut aliquod eorum super se vsurpet sine auctoritate [f. 9b.] domini cancellarij qui pro tempore fuerit, sub pena expulsionis ab aula et sui delicti domino cancellario denunciacione.

Item quod quilibet socius in aliquam communitatem alicuius aule in presenti receptus aut in posterum recipiendus in introitu et recepcione sua in eandem ad omnia premissa statuta et eorum quodlibet obseruanda fide media principali coram testibus promittat, et securitatem de ipsis conseruandis faciat, sub pena expulsionis sue ab eadem aut non admissionis sue ad eandem. Juramentum recip.

Item quod omnia et singula statuta predicta in vno quaterno de

4. *De Morbo et Accidenti*—doubtful, probably = De Morborum causis, De Morborum differentiis, De Symptomat. causis (lib. iii.), De Sympt. differentiis, or an abridgement of all these books—Galen. In some printed editions they are called *De Morbis et Symptomatibus.*	This is not in any list of translations made at Toledo, or by Gerard or Constantine. For other reasons also I think it does not belong to the oldest group of translations, and was made probably in the thirteenth century, not in the twelfth; but from the *Arabic*, as shown by the title.
5. *De Crisi et Criticis Diebus*= De Crisibus (lib. iii.), and De diebus criticis—Galeni.	From Arabic, by Gerard, in the twelfth century.
6. *De Ingenio Sanitatis*= Methodus Medendi, sometimes called Megatechne or Megategni (lib. xii) — Galeni. Not the work *De Sanitate tuenda.*	From Arabic, among the earliest group of translations, being referred to by the translator of No. 7; and probably, but not certainly, by Gerard (perhaps Constantine?).
7. *Tegni* of Galen=τέχνη ἰατρική = Ars parva, often with the comment of Haly ben Rodoan.	Translated from Arabic by Constantine; and with the comment of Haly by Gerard.
8. *Prognostics* of Aratus=Διοσημεῖα, a meteorological poem said to be founded on Meteorologica of Aristotle.	No record of any Arabic translation. It is said there were Latin translations made from the Greek.
9. *Aphorisms* of Hippocrates (with commentary of Galen, —the first work of Galen translated into Latin, according to Constantinus Africanus).	From Arabic by Constantine at Monte Cassino—eleventh century.
10. *Johannicius* = 'Regimenti.' This must mean the Ysagoge in Medicinam, the only work of Joann. translated; prefixed to numerous MSS.	Early translation from Arabic; name of translator not given.
11. *Liber Febrium* of Isaac= Isaac Judæus, written in Arabic.	From Arabic by Constantine—eleventh century.
12. *Antidotarium*, probably of Nicolaus, Præpositus of Salerno, twelfth century.	Latin original.

APPENDIX. XXXI.

BOOKS LECTURED ON IN 1340.	WHEN AND WHERE TRANSLATED.
1. *Primus Canonis*—Avicennæ.	From Arabic by Gerard of Cremona at Toledo; twelfth century.
2. *De Morbo et Accid.*—Galeni.	A 'versio antiqua,' probably from Arabic, of this treatise is referred to more than once. (Kühn's Galen, I. c. 1.)
De differentiis Febrium—Galeni.	See above.
3. *De Crisi*, &c.; De Malicia, &c.—Galeni. (See in other list.)	See other list.
4. *De Simplicibus Medicinis* = probably No. 3 in other list —Galeni.	See other list.
De Complexionibus — Galeni. (See other list.)	See other list.
5. *De Juvamentis Membrorum* = Galeni de Usu Partium.	From Arabic—anonymous. Probably not in earliest group.
De Interioribus = Galeni de Locis Affectis.	From Arabic, by Constantine.
6. *Liber Amphorism.* Hippocratis.	See other list.
De Regimine Acutorum. Hippocratis.	Both from Arabic by Gerard, at Toledo. (Some MSS. attribute to Constantine.)
De Prognosticis = Prognosticon Hippocratis.	
These three works were all commented by Galen, and occur together with the comment in MSS.	
7. *Liber de Ingenio* = De Ingenio Sanitatis Galeni. (See No. 6 in other list.)	See other list.
Ad Glauconem = Therapeutica vel de Methodo Medendi ad Glauconem, Galeni (not the same as the great Methodus Medendi).	I cannot trace translation; but is known to have existed in Arabic.
8. *Quartus Canonis*—Avicennæ quoad duas primas (Fen.).	Translated from the Arabic, at Toledo, by Gerard of Cremona.

Johannicius *de Pulsibus*. There is no known work of J. thus entitled; probably = Philareti de Pulsibus.

De Urinis = Theophili Protospatharii de Urinis (Greek Christian writer of the seventh century A. D.; *Philaretus* is believed to be the same man).

} Old translations: traditional; not known to have passed through Arabic.

These two works are constantly found in MSS. immediately following the Isagoge of Johannitius; hence the confusion. These *three* works form the beginning of the printed collection called Articella, which, in early editions, also includes Hipp. Aphorism, Regim. Acutorum and Prognostics all with comments by Galen; and Tegni Galeni (as in other list).

9. *Tegni* Galeni, &c. (See No. 6 in this list and No. 7 in other list.)

10. *De Regimine Sanit.* = *possibly* the Regimen of the Schola Salernitana; but on the other hand Galen's *De Sanitate tuenda* bears this title in the old MSS., and it may refer to this. The old rhyming poem was meant for popular use and perhaps would hardly be used as a text book.

11. *De Virtutibus Naturalibus* = Galeni de Alimentorum Facultatibus. This was translated at Bologna by Accursius Pistoriensis in 1200 A. D. (from Arabic—Leclerc). (Merton College MSS. 218, Coxe's Catalogue.)

APPENDIX. XXXI.

Dr. Payne adds the following remarks :—

The result is that most of the works of Hippocrates and Galen *must*, and all of them *might*, have been derived from translations made through the Arabic in the eleventh century by Constantine, in the twelfth by Gerard of Cremona, and possibly later (before 1300) by others. They can nearly all be found in lists of translations from Arabic given by Leclerc, or contained in other catalogues of MSS.; and in other cases the peculiar titles distinguish them from the classical translations made direct from the Greek.

There remain only two works of late Greek writers, Aratus and Theophilus, which need not have had anything to do with the Arabians; and two Salernitan books, Antidotarium and Regimen Sanitatis.

These seem to me remarkable as showing that the translations made at Monte Cassino, and especially at Toledo, had an immense effect on European science; and so the introduction of this literature may be said to have been the foundation of the medical faculty of Montpellier, which gave the law to medical instruction in Europe for a long time.

But this does not show that *Saracen teachers founded the school*, which is, as you say, a very wild theory. In fact all this *contradicts* that theory. The translations at Toledo began under the auspices of a Christian prelate, Raymund, Archbishop of Toledo: others were made at Monte Cassino in the monastery—for the use of Christendom—and it is obvious that the Latin versions could only be used by Latin, not by Arabic, teachers. So that the school was distinctly Latin and Christian, not Saracenic; and must at once have superseded the Jewish schools of medicine and the Saracenic (if any such existed in Christian Europe).

The same Arabic version of Greek science was the foundation of Roger Bacon's science; as also it is said of that of Albertus Magnus and of Vincent of Beauvais.

It is an equally wild and fallacious theory that the Crusaders brought back to Europe Oriental science. This was far more easily accessible in Spain, and filtered into the adjacent parts of Southern France.

The immediate result of this new invasion of the Arabic-Greek science was to diminish the importance of Salerno as a school of medicine. For though the Salernitans profited by the new versions, they had no longer any monopoly of the ancient medicine.

The whole subject of medieval Medical Literature is very interesting and has never been worked out thoroughly. It could only be done by studying the MSS. and comparing the different *groups* of versions which appeared at different times, and were

found collected together in the same MS. The association of these versions is by no means fortuitous; but shows what books were adopted as text-books, and hence transcribed into the compendiums which were used by students, and taken away by them from Montpellier and other schools to different parts of Europe.

The early printers got hold of these MSS. and printed them as they found them, so that the early collections of medical works, especially that known and often printed under the name of Articella, did not represent a collection made by the printers, but a collection which was in use long before as a text-book. The earliest edition of this work (no place or date, *c.* 1479) contains 7, 8, 9, 10 in the first Montpellier list; and two under No. 6, and two under No. 8 (viz. Philareti and Theophili) in the second. Other editions are more copious, but nearly all are Montpellier text-books. This shows the long persistent influence of the Montpellier curriculum.

The omissions, e. g. of Celsus and of works of Hippocrates which had not been commented upon by Galen, are also most instructive.

XXXII.

THE PRESENT JURISDICTION OF THE VICE-CHANCELLOR'S COURT AT OXFORD.

By the ancient Charters and Statutes, as we have seen, this Court had the following jurisdiction:

(1) Exclusive spiritual jurisdiction over resident members of the University and concurrent spiritual jurisdiction over citizens. This jurisdiction included Probate of scholars' wills, which lasted till 1858.

(2) Civil jurisdiction in any case in which a member of the University was plaintiff or defendant, exclusive of 'pleas which touch the crown,' and actions relating to a lay fee (i. e. practically all actions affecting real property). It appears to be doubtful whether it has jurisdiction in equity: in many cases it would clearly be without the machinery for enforcing equitable jurisdiction. (For contradictory decisions on this head see Grant, *Treatise on the Law of Corporations*, London, 1850, p. 523 *sq.*) The Court would also at all times have been in practice incapable of exercising certain jurisdictions created by Statute at a date subsequent to that of the University Charters, e. g. by the various acts relating to Insolvency and Bankruptcy.

(3) Criminal jurisdiction in all cases in which a member of the University is prosecutor or defendant, except treason, felony, and

APPENDIX. XXXII.

'mayhem.' It may be a matter of much antiquarian and some practical interest to enquire how far this jurisdiction has been affected by recent legislation.

1. If the judgement of Dr. Mountague Bernard, then Assessor of the Chancellor's Court, in the case of Pusey and others *v.* Jowett (Oxford, 1861) is to be accepted, the spiritual jurisdiction has practically vanished. A suit being promoted against the Rev. B. Jowett, Professor of Greek (afterwards Master of Balliol), for heresy, the Assessor ruled that by the Clergy Discipline Act of 1840 (3 & 4 Vict. c. 86), no proceedings could be taken against a clerk in holy orders except in the manner prescribed by that Act. The Act does not recognise the jurisdiction of the Chancellor, nor could the machinery which it provides be applied to the Chancellor's Court. Hence no proceedings can be taken against a clerk in holy orders in the Chancellor's Court for an ecclesiastical offence. The Court no doubt retains the same power of excommunicating laymen for immorality, which is in theory retained by the Courts of the Bishops and Archdeacons elsewhere, but the power is of course practically obsolete; though there is, it would appear, still nothing to prevent an Archdeacon 'signifying' to the Queen in Chancery persons who refuse to perform a penance imposed by his Court, and procuring their imprisonment by the writ *de excommunicato capiendo.*

2. In civil cases the jurisdiction remains absolutely intact as was recently decided by the Court of Queen's Bench in the case of Ginnett *v.* Whittingham (16 Q. B. D. 761). By 17 & 18 Vict. c. 81, § 45, the Common Law was substituted for the ancient Civil Law procedure of the Court, and power was given to three judges to frame rules for the Court, a power which was exercised in 1865 and 1892.

3. In criminal matters it is believed, by the responsible advisers of the University, that the jurisdiction of the Court has been seriously modified by the Summary Jurisdiction Act of 1879 (42 & 43 Vict. c. 49). It seems unnecessary to discuss the effects of the earlier Summary Jurisdiction Act of 1848. The Act of 1879 provided that summary jurisdiction should only be exercised in the manner prescribed by the Act; and it is thought that the practical effect of this measure is to abolish all the criminal jurisdiction of the Vice-Chancellor, except that which he exercises as an *ex officio* Justice of the Peace. This jurisdiction is of course much more limited than the old jurisdiction above described. Whereas under the old Charters he might (without a jury) have tried a man for perjury, and sentenced him to two years' imprisonment or more, the maximum sentence which can be imposed by Justices is six months' imprisonment. Moreover, except in the most

trifling cases, a Justice of the Peace must act with at least one other Justice. Hence, of late years, the practice has been for the Vice-Chancellor to sit with some other Justice of the Peace for the County of Oxford, and (where the matter exceeds their jurisdiction) to commit for trial to the Assizes or Quarter Sessions. But the Act of 1879 required that Justices should sit only in Petty Sessional Courts, i. e. in a place regularly appointed by the Justices for the Division. Consequently there was still an anomaly in the proceedings of the Vice-Chancellor who did not belong to any regular Petty Sessional Division, and held his Court in a place not authorised under the provisions of the Act. Hence in 1886 an Act of Parliament was procured (49 & 50 Vict. c. 31) which provided that 'The chancellor, masters, and scholars of the University of Oxford may, from time to time, fix a place within the precincts of the University at which the chancellor of the said University, and his commissary for the time being (commonly called the vice-chancellor), and the deputy of the aforesaid commissary for the time being may sit and act as justices of the peace for the counties of Oxford and Berks, and when they, or any of them, sit in the place so appointed, and act as justices or justice of the peace for the county of Oxford or Berks, such place shall be deemed to be a petty sessional court-house within the meaning of the Summary Jurisdiction Act, 1879, and to be situate within the county of Oxford or the county of Berks, as the case requires, and any justice of the peace for the county of Oxford or the county of Berks, as the case requires, may sit and act with them or him as justice of the peace in such court-house.'

I venture to doubt whether this interpretation of the various Acts dealing with the matter can be sustained. The Act of 1879 relates exclusively to the jurisdiction of Justices of the Peace, and there is nothing whatever in it to curtail or modify any jurisdiction which the Vice-Chancellor exercises not as a Justice. Moreover, this interpretation would make it exceedingly difficult to show whence the Vice-Chancellor derives his *exclusive* claim to try offences committed by or against members of the University. That jurisdiction was conferred upon the Vice-Chancellor as Vice-Chancellor, not as a Justice of the Peace. If recent legislation has destroyed his jurisdiction as Vice-Chancellor, has it not destroyed also his claim—at all events his exclusive claim—to try these offences? Such a jurisdiction he certainly cannot claim merely as one of the numerous Justices of the Peace for the Counties of Oxford and Berks. Nor is there anything in the Act of 1886 to cure this defect in his position. That Act gives him special facilities for exercising his jurisdiction as a Justice of the Peace: it exempts him from the necessity of sitting with any number of other Justices

APPENDIX. XXXII.

who choose to attend in the Petty Sessional Court of the district, though he must in certain cases sit with one Justice of Oxford or Berks. But it does not confer upon him any jurisdiction which he did not already possess as a Justice; and it does not exempt members of the University from the jurisdiction of the County or City Justices. It cannot surely be contended that the Charters are repealed in respect of the jurisdiction exercised by the Vice-Chancellor, while they are still in force in respect of the persons over whom that jurisdiction is exercised. If the jurisdiction of the Vice-Chancellor *qua* Vice-Chancellor is gone, members of the University can hardly be exempt from the jurisdiction to which other residents in Oxford are amenable: still less can the Vice-Chancellor claim the exclusive cognisance of cases in which a member of the University is the prosecutor.

There is a further anomaly in the position taken up by the University in this matter. Oxford is a County Borough, with a separate Commission of the Peace. That being so, it is anomalous—though no doubt not illegal—for two Justices of the Counties of Oxford and Berks to exercise jurisdiction in respect of offences committed within the City boundaries. If the Vice-Chancellor is by Charter a City Justice, the Justice with whom he sits is not necessarily so.

In this state of affairs it might be contended that *either* the Vice-Chancellor has lost all criminal jurisdiction beyond the right of holding a Court for the trial of such offences committed in Oxford or Berks as may be brought before him by the voluntary choice of the prosecutor, *or* that the old jurisdiction of the Vice-Chancellor's Court in all criminal cases but treason, felony, and mayhem remains intact.

The chief difficulty in the way of the latter view lies in two clauses of the Summary Jurisdiction Act of 1879 taken in connexion with two clauses of the Interpretation Act of 1889 (52 & 53 Vict. cap. 63. § 13). The clauses of the first-mentioned Act (42 & 43 Vict. cap. 49. § 20, c. 1, 2) run as follows:—

'(1) A case arising under this Act, or under any other Act, whether past or future, shall not be heard, tried, determined, or adjudged by a court of summary jurisdiction, except when sitting in open court.

'(2) Open court means a petty sessional court-house.'

The clauses of the Interpretation Act, 1889 (52 & 53 Vict. cap. 63. § 13, cc. 11, 13) are:

'(11) The expression "court of summary jurisdiction" shall mean any justice of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England,

Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts, or any of them, or under any other Act, or by virtue of his commission, or under the common law.'

'(13) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, shall mean any such court-house or place.'

Now certainly the language of Clause 11 in the Act of 1889 is very comprehensive. It would be difficult to contend that the Vice-Chancellor is not a magistrate; and if he is a magistrate, it may be urged that he must conform to the provisions of the Summary Jurisdiction Act whether exercising his jurisdiction under the Summary Jurisdiction Acts, or any other jurisdiction which he possesses by law. But (1) in strictness the jurisdiction of the Vice-Chancellor, *qua* Vice-Chancellor, is not conferred by any Act of Parliament (though it is recognised in many Acts) or by the common law or by a Commission, but by Charter. And (2) if it be urged that the language of the clause is wide enough to cover the jurisdiction derived from the Charter, it would seem that *pari ratione* it must cover all manner of Courts and Judges, even the Judges of the High Court who are in the widest sense of the word 'magistrates' and specifically Justices of the Peace. Hence it would follow that even a Judge of the High Court would be bound to exercise his jurisdiction in a Petty Sessional Court sitting with the other Justices of the division. This being a *reductio ad absurdum*, it seems to me that it may still be contended that the Vice-Chancellor is not a magistrate within the meaning of the Act. The word must be understood to mean a magistrate with jurisdiction of the same character as that of Justice of the Peace, e. g. the Lord Mayor or Aldermen of the City of London.

Up to last year (1894) the old process of Appeal to Congregation and Convocation described above (p. 437) remained in force. The last appeal which actually proceeded to a hearing was the case of MacMullen *v.* Hampden in 1844. An appeal was entered in 1894 but was abandoned before the hearing. An Order of Council of Aug. 23, 1894, was procured (under the Supreme Court of Judicature Act of 1875, and Statute Law and Procedure Acts of 1883), by which an Appeal is created from the Vice-Chancellor's Court to a division of the Court of Queen's Bench, and the old appeal is abolished. The Act of 1875 gives the Queen in Council power

APPENDIX. XXXII.

to create an appeal from any 'inferior Court of Record' similar to the appeal from County Courts. It might perhaps be doubtful whether this would apply to the criminal jurisdiction of the Court, supposing any jurisdiction to remain other than that which the Vice-Chancellor possesses as a Justice of the Peace. Appeals from the Vice-Chancellor sitting in Petty Sessions must of course be made to Quarter Sessions on the facts, and to the Queen's Bench on points of Law, in the cases where such appeals are allowed in the case of other Petty Sessional Courts. If a case of a spiritual character were to occur, the old appeal to Congregation and Convocation would apparently remain in full force, since a Spiritual Court could hardly be covered by the term 'inferior Court of Record.' The University has, however, itself abolished the Statute dealing with the appointment of Delegates of Appeals. This would not however abolish the right to appeal to Congregation or Convocation, supposing any such right to exist.

Besides the ordinary jurisdiction of the Vice-Chancellor, he exercises a jurisdiction of a very peculiar character under the Oxford and Cambridge Police Act (6 Geo. IV. c. 97). Jurisdiction over 'suspected women' is conferred by many old Charters and Acts of Parliament, but in practice all proceedings in such cases are now taken under the Act of George IV. The Proctors have the power of arresting such women in the streets by means of the Proctor's servants (who are sworn constables), and this power has been exercised quite recently; but of late years it has been customary to bring up offenders who have been observed by the Proctors loitering in the street or walking with Undergraduates by summons. As a rule this leads to the disappearance of the woman. When the offender is brought before the Court, she is (for a first offence) usually discharged with a caution. On a second offence she is imprisoned for a few weeks. A jurisdiction which is thus very seldom really exercised produces a much more extensive and beneficial effect than *a priori* objectors to State interference might be disposed to expect upon the decency of the streets and the morals of the town.

The jurisdiction of the Court of the High Steward of the University, described above (p. 409), remains intact, but the privilege has never been claimed for a century or more, and the occasional cases of theft by members of the University are disposed of at Quarter Sessions or Assizes.

[I am indebted to Prof. T. E. Holland, the present learned Assessor of the Vice-Chancellor's Court, for several pieces of information contained in the above paragraphs.]

XXXIII.

THE PRESENT CONSTITUTION OF THE UNIVERSITY OF OXFORD.

The University of Oxford is now governed by the following bodies:—

(1) THE HOUSE OF CONVOCATION. This Assembly consists of the Doctors of Divinity, Law, and Medicine, and the Masters of Arts, so long as they keep their names upon the books of some College or Hall or of the Delegates of Non-collegiate Students, which is done by a small annual payment to the University and to the College, or by a composition for life. It is the supreme governing body of the University, which makes permanent Statutes or temporary Decrees, and controls the expenditure of the University revenues. In practice, it is only on very rare occasions that any considerable number of non-resident Masters attend.

(2) THE CONGREGATION OF THE UNIVERSITY OF OXFORD. This body was created by the University of Oxford Act, 1854 (17 & 18 Vict. c. 81). It consists of all resident members of Convocation, that is to say, of all members of Convocation who have passed 141 nights within a radius of two miles from Carfax Church during the preceding year (ending Sept. 1), together with certain officials who have seats independently of residence. Before a Statute (not a temporary Decree) is introduced into Convocation, it must be passed by Congregation: and this House has the sole right of amending Statutes.

(3) THE ANCIENT HOUSE OF CONGREGATION. Probably by an oversight on the part of the framers of the Act of 1854, the ancient Congregation of Regents was left in existence for certain purposes, viz. the conferment of ordinary degrees, and the approval of Examiners who have, however, to be subsequently approved by Convocation. Its functions are in practice merely formal, as degrees are never refused to candidates who have passed the Examinations and complied with the ordinary statutory conditions. The House consists of (1) the *necessario Regentes* who are Doctors or Masters of any Faculty (except Music) during the first two years from their admission to Regency, i. e. (the old ceremony of Inception being extinct) from the beginning of the term after that in which they have been admitted to their degrees; (2) the *Regentes ad placitum*, i. e. Heads of Colleges and Halls, Professors, Doctors of any Faculty (except Music), the Censor of Unattached Students (being at least M.A.), together with the Deans or Censors of Colleges, and all Public Examiners, Moderators (i. e. Examiners in the First Public Examination), and Masters of the Schools (i. e.

APPENDIX. XXXIII.

Examiners in Responsions). In practice the nine Regents necessary to the conferment of a Degree are made up of the Deans who attend to present candidates from their respective Colleges.

(4) THE HEBDOMADAL COUNCIL. Under the Laudian Statutes the Hebdomadal Board consisted of the Vice-Chancellor, the two Proctors, and the Heads of Colleges. It was in the main a probouleutic body, having the exclusive right of initiating proposals of all kinds to be laid before Convocation. By the University of Oxford Act 1854, its functions were transferred to a differently constituted Hebdomadal Council. This body consists of the Vice-Chancellor and Proctors, the Ex-Vice-Chancellor and eighteen persons elected by the Congregation of the University of Oxford, of whom six must be Heads of Colleges, six Professors (or University Readers), and six other members of Convocation.

The method of carrying a Statute is therefore as follows:—The proposed measure must first be voted by the Hebdomadal Council. It is then laid before Congregation. If the preamble of the measure is carried, the principle of the measure is considered to be affirmed. This answers to a 'second reading' in Parliament. An opportunity is then given to members of Congregation to propose amendments, which, after due notice, are discussed and voted on. The measure as amended is then again laid before Congregation. Finally, if passed by Congregation, the Statute is laid before Convocation which must accept it or reject it absolutely without amendment. This procedure applies only to Statutes. Decrees and money grants proposed by the Hebdomadal Council are voted directly by Convocation, on a proposal introduced by the Hebdomadal Council.

THE UNIVERSITY AND THE COLLEGES. It may be desirable to add a few words as to the relations between the University and the Colleges, relations so puzzling to foreigners and even to Englishmen who have not been educated in them. The Colleges are wholly distinct corporations, and the University has no legal control over them whatever. But the students of the Colleges are as individuals members also of the University; and the University requires that its members shall be members of a College or Hall, or place their names upon the books of the Non-collegiate Students, in which case, though they reside in licensed lodgings, the Censor of Non-collegiate Students (with a body of Delegates appointed by the University) exercises over them the same kind of authority, and provides for them the same kind of education which it is the function of the College (i.e. the Head and Fellows) to provide in the case of Collegiate students. The University cannot directly control the corporate acts of the College or its officers. But, since the object for which the members of the College reside

in Oxford is to obtain the degree which is given by the University, members of the Colleges are obliged to conform to its regulations, and the University could, indeed, exercise any authority which it pleased over the Colleges by refusing to recognise members of a College which disobeyed its regulations. This in practice it does not attempt to do, except by requiring an officer of the College to testify that a candidate has kept the residence required by the University and a few similar regulations. The Professors of the University (much fewer in number than in most Universities of the same size) on the one hand and the Tutors and Lecturers of the Colleges on the other form two wholly distinct educational systems. A certain amount of harmony has, indeed, recently been established between them by the institution of Boards of Faculties, which draw up lists of lectures both by University Professors and College teachers, most of whom now open their Honour lectures to all members of the University while giving private tutorial instruction to their pupils in their own College. In practice it may be said that the larger part of the education which the majority of the Undergraduates obtain is provided by the College Tutors and Lecturers.

Mr. Bryce has happily used the relation between the University and the Colleges as an illustration of the relations between the Federal Government and the separate States of the American Union. The parallel is close enough for practical purposes, but there is this difference—that, in place of the strict limitation of spheres established by the American Constitution, the jurisdiction of both University and College, if either chose to exercise them, is legally unlimited. Expulsion from a College would not involve expulsion from the University unless the University chose so to enact: nor could expulsion from the University prevent a man continuing to be a member or even a Fellow of a College. The University's monopoly of the power of granting degrees is the only connecting link which ensures their harmonious co-operation.

ADDITIONAL NOTE.

p. 458. In 1403 we find Johannes Comitis and Guillelmus Burgundi described as 'actu docentes Parisius in arte Musice ex auctoritate et licentia Universitatis Parisiensis.' The first was Choir-master at Notre Dame, the latter 'Cantor Universitatis.' (*Chartul. Univ. Paris.* T. III. p. xiii.) But it does not appear that they were graduates.

INDEX.

[*Technical Latin terms are printed in Italics.*]

A

Aachen, i. 273.
Abbacus, i. 243 *n.*; ii. 736–37.
Abbas, i. 351.
Abbeville, College of, at Paris, i. 514.
Abbo of Fleury, i. 276, 277 *n.*
Abbot, election of, by students, ii. 629 *n.*, 634, 635.
Abelard, Peter, i. 37, 41, 42, 48–63, 129, 136 *sq.*, 274, 278 *sq.*, 285, 362, 540; ii. 149 *n.*, 693.
Ábel Jenö, ii. 286, 288, 289.
ABERDEEN, municipal schools of, i. 284 *n.*; University of, ii. 309–11, 315; Bp. of, ii. 309.
Abingdon, Abbey of, ii. 324, 328 *n.*, 410 *n.*, 476.
Abrucii, nation of, at Bologna, i. 184 *n.*
Accursius, i. 165 *n.*, 166 *n.*, 215, 216 *n.*, 232 *n.*, 256, 258; ii. 6 *n.*, 164 *n.*, 745.
— Cervottus, ii. 15 *n.*
— Franciscus, ii. 460 *n.*
— Pistoriensis, ii. 783.
Ackermann, i. 75, 84 *n.*
— R., ii. 543.
Acqui, Bp. of. *See* Guido.
Act, The, at Oxford, ii. 446. *See* Inception.
Actors. *See* Mimi.
Adalbert, Bp. of Verdun, i. 76 *n.*
Adam de Brome, ii. 374 *n.*, 492.
— de Grand-Pont, i. 290 *n.*
— de Marisco, ii. 358 *n.*, 362 *n.*, 370 *n.*, 419 *n.*, 470 *n.*, 525.
— of Murimuth, ii. 405 *n.*
— of S. Victor, i. 278.
Adamson, Prof., ii. 522 *n.*
Adelard of Bath, i. 79, 242.
Adelbert, Abp. of Mainz, ii. 115.
Adelbertus Ranconis, ii. 232 *n.*
Adoptionism, i. 54 *n.*
Adrian VI, Pope, ii. 263.
Advocati, i. 101.
Ægidius Romanus, i. 349 *n.*, 539 *n.*
— Fuscararius, i. 138 *n.*
— Physician of Paris, i. 429.
Aeneas Sylvius. *See* Pius II.
Affo, ii. 726.
Affonso, Diego, de Mongancha, ii. 106.
Age for degrees, i. 453; on entering University, ii. 314 *sq.*, 604.
Agricola, ii. 56.
Aicadrus, i. 285 *n.*
Aicelins, Collége des, at Paris, i. 515.
Aides, Générales des, i. 421 *sq.*
Aigrefeuille, ii. 113.
Ailly, Peter d'. *See* Peter.
Ainslie, Dr., ii. 565, 566 *n.*
AIX, University of, ii. 172 *n.*, 184–87, 628 *n.*, 634 *sq.*, 635 *n.*, 648.
Alais, Schools of, ii. 725.
Alardus, Rector Scholarum at Oxford, ii. 353.
Alban Hall, Oxford, ii. 486 *n.*
Alban's, Saint, Abbey of, ii. 342, 420. *See* John de la Celle, Nicholas.
Albany, Nation of, at Glasgow, ii. 305.
Alberic of Reims, i. 64, 110.
Albericus Gentilis. *See* Gentilis.
Albert I, Duke of Austria, ii. 233.
— III, Duke of Austria, ii. 233 *n.*, 237.
— VI, Duke of Austria, ii. 268.
— of Brandenburg, ii. 270.
— de Bondonno, ii. 746.
— the Great, i. 345, 354 *n.*, 363–67, 464 *sq.*

Albert of Saxony, i. 441, 539 *n.*; ii. 236, 237, 241 *n.*, 296 *n.*
—, Pastor at Gars, his College at Namur, ii. 237 *n.*
Albi, schools of, i. 17 *n.*; ii. 170, 727; Archdeacon of, ii. 684.
Albicinius, Caesar, Forloviensis, i. 89.
Albigenses, i. 347; ii. 115, 158, 159.
Albornoz, Egidio, Cardinal, i. 200.
Albricus, i. 338 *n.*
ALCALÁ, University of, i. 230 *n.*; ii. 83, 99; College of San Ildefonso at, ii. 83 *n.*, 99.
Alchabicius, i. 250.
Alchemy, i. 86; ii. 132.
Alciatus, i 257 *n.*, 261; ii. 205.
Alcobaça, Abbot of, ii. 102.
Alcock, John, Bp. of Ely, ii. 578.
Alcuin, i. 28–30, 35–37, 91 *n.*, 101, 103 *n.*, 273, 274; ii. 545.
Aldate, Saint, Monastery of, at Oxford, ii. 328 *n.*
Alexander II, Pope (Lambert), i. 16.
— III, Pope, i. 54 *n.*, 133, 283, 292; ii. 138, 724; his decretals, ii. 172 *n.*
— IV, Pope, i. 311 *n.*, 380, 385, 389, 529; ii. 71, 82, 367 *n.*, 724.
— V, Pope, ii. 186, 225, 255.
— VI, Pope, ii. 99, 101, 309, 723.
— of Aphrodisias, i. 354, 357.
— of Hales, i. 362, 363, 371, 539 *n.*; ii. 527.
— de Villa Dei, i. 436, 442 *n.*; ii. 515, 603, 702.
— envoy of Masters at Angers, i. 338 *n.*
Alexandria, ii. 710.
Alfonso V, King of Aragon, ii. 94.
— the Magnificent, King of Aragon and Sicily, ii. 58.
— VIII, King of Castile, ii. 22, 65, 69.
— X (the Wise) of Castile, i. 250; ii. 70, 74, 82, 105; his astronomical tables, ii. 72 *n.*
— XI, King of Castile, ii. 84 *n.*
— IX, King of Leon, ii. 69.
— Count of Poitiers, i. 375.
— Count of Provence, ii. 185 *n.*
Alfred the Great, i. 145; ii. 320, 322, 472.
Algarve, Nation of, at Bologna, i. 185 *n.*
Algazel, i. 353 *n.*
Algebra, i. 243, 442; ii. 736. *See* Algorismus, Mathematics.
Algorismus, i. 243 *n.*, 249; ii. 240 *n.*, 736–37, 757.
Alhaçen, ii. 457.
Ali, i. 351.
Alidosi, i. 89, 216 *n.*
Allemands, Collége des, at Paris, i. 516.
All Souls College, Oxford, ii. 414, 479, 494, 511–12.
Almagesta. *See* Ptolemy.
Almansor. *See* Razes.
— Caliph, i. 352.
Almaric of Bena, i. 301 *n.*, 353 *n.*, 355, 356, 434; ii. 737–38.
Almaricians, i. 355 *n.*, 357.
Altigradus de Lendinaria, i. 212 *n.*
Amadeo VI, of Savoy, ii. 722.
— VIII, of Savoy, ii. 57.
Amalfi, i. 99 *sq.*, 114 *n.*; ii. 185 *n.*
Amari, ii. 58.
Amico, ii. 58.
Amiens, School of, i. 284 *n.*
Ampère, i. 25.
Amusements, ii. 669–76, &c.
Anagni, i. 385.
Anatomy, i. 246; ii. 90.
Ancaranum, Collegium, at Bologna, i. 204.
Anderson, J. M., ii. 295, 297 *n.*, 299 *n.*
Andreas, Valerius, ii. 259.
Andrew, Bernard, ii. 459 *n.*
— Provost of Upsala, i. 515.
— Richard of Cambridge, ii. 575.
Andrew's, Saint, de Arcubus, Church of, at Paris, i. 401 *n.*; ii. 680 *n.*
Andrich, ii. 10.
Angaria, i. 459 *n.*
Angelicum, Collegium, at Prague, ii. 232 *n.*
Angelis, De, ii. 31.
Angelus of Perugia, ii. 48.
ANGERS, Schools and University of, i. 16 *n.*, 19 *n.*, 248 *n.*, 337, 338 *n.*, 431, 460 *n.*; ii. 112, 128 *n.*, 148–57, 202, 296, 470 *n.*, 602 *n.*, 604, 624 *n.*
l'Anglais, Grégoire, Bp. of Séez, i. 517.
Anglicus, Ricardus. See Richard.
Angus, ii. 298.
Anjou, Nation of, at Angers, ii. 155; Duke of, ii. 180. *See* Angers.
Anne of Bohemia, ii. 223.
Annecy, College of, at Avignon, ii. 177, 634.
Annerstedt, ii. 290.
Anselm, Saint, Abp. of Canterbury, i. 40–42, 47, 54, 346.
— the Peripatetic, ii. 6.
— of Laon, i. 51.
— of Lucca, i. 129.
Anstey, i. 428 *n.*; ii. 321, 326 *n.*, 402 *n.*, 412 *n.*, 417 *n.*, 430 *n.*, 443 *n.*, 462 *n.*, 652.
Antarchus, ii. 729.
Antidotarium. *See* Nicholas.
Antonio de Virgilio, i. 240.
Antony, Saint, of Padua, ii. 13 *n.*, 102 *n.*
Anulus. See Ring.
Anwykyll, John, ii. 514.
Apex, ii. 642.

Aphorismi. See Hippocrates.
Apothecaries, i. 419.
Appeal from University Courts, at Paris, i. 400, 411; at Oxford, ii. 422–24, 437–39, 789 *sq.*; at Cambridge, ii. 548 *sq.*
Aquitaine, Nation of, at Orleans, ii. 146; at Angers, ii. 155; at Poitiers, ii. 192; at Bourges, ii. 205.
Arabic. *See* Oriental languages.
Arabs, i. 31, 68, 262; ii. 82, 96, 116; their Medicine, i. 78, 81, 85–86, 236, 242–50, 429, 430; ii. 116–18, 132, 135, 780–85; their Philosophy, i. 352 *sq.* (see also Averroism); their Mathematics, i. 243.
Aragon, ii. 86, 89; Nation of, at Bologna, i. 185 *n.*; College of, at Montpellier, ii. 132; Universities in, *see* Lerida, Huesca, Saragossa.
Aratus, ii. 123, 124; ii. 781 *sq.*
d'Arbaumont, ii. 187.
Archdeacon, functions of, at Bologna, i. 223 *sq.*, 233, 253.
Arches, Court of, ii. 549, &c.
Aretinus, Gratia. *See* Gratia.
Arezzo, University of, i. 172; ii. 8–9, 736.
Argenta, ii. 736.
Arianism. *See* Trinity.
Arimino, De, i. 539 *n.*
Ariosto, ii. 56.
Aristippus, Euericus, ii. 744, 745.
Aristotle, i. 31, 37–39, 61, 68–70, 235, 248, 351–68, 434, 436, 539 *n.*; ii. 135 *n.*, 160, 161, 240 *n.*, 449, 452, 454 *n.*, 455–58, 524, 527, 534, 545, 702, 705, 742–44, 754, 781; translations of, i. 37, 68, 353, 354; ii. 521, 525 *n.*, 744.
Arithmetic, i. 34, 243, 249–50, 442; ii. 456, 457, 661 *n.*
Arles, Jewish School of Medicine at, ii. 116; Abp. of, ii. 182 (and *see* Galbert); Kingdom of, ii. 182.
Armachanus. *See* Richard Fitz-Ralph.
Armagnacs, i. 521 *sq.*
Armandus de Jeco, ii. 725.
Armengaud, ii. 117 *n.*
Arms, carrying of, ii. 644 *n.*, 771 *sq.*
— wearing of, i. 181, 195.
Arnauld of Villeneuve, i. 430; ii. 86, 99, 117 *n.*, 123, 132.
Arnold, Prof. T., ii. 429 *n.*
Arras, College of, at Paris, i. 515.
Arthur Hall, Oxford, ii. 491.
Arthur, King, ii. 545.
Articella, ii. 783, 785.
Arts, College of, at Heidelberg, ii. 249.
— study of, i. 93 *sq.*; at Paris, i. 9, 291, 433–62; at Bologna, i. 12 *n.*, 109 *sq.*, 233–43, 248 *sq.*, 262 *sq.*; at Montpellier, ii. 130–31; at Oxford, ii. 451–52, 455–58 *et passim*. *See* also Faculties, Philosophy.
Arts, the seven, i. 33, 93, 103; ii. 138, 452, 457, 460.
Arundel, Abp. of Canterbury, ii. 374 *n.*, 431, 433, 462, 542.
— Richard, Earl of, ii. 492 *n.*
Aschbach, ii. 232.
Ashley (first Lord Shaftesbury), ii. 636 *n.*
Assaults, ii. 414 *sq.*, 614 *sq.*, 682–85 *et passim*: on clerks, i. 225; ii. 430 *n.*
Asser, Bp. of S. David's, ii. 322.
Astrolobium, i. 250.
Astrology, i. 34, 35, 240, 242, 244, 245, 249–50; ii. 290, 452, 458, 459.
Astronomy. *See* Astrology.
Astruc, ii. 113, 115 *n.*
Athens, initiation of teachers at, i. 288 *n.*; so-called University of, ii. 204 *n.*, 234, 270 *n.*, 710.
Athletics, ii. 670.
Atonement, doctrine of, i. 54, 57.
Atto of Vercelli, i. 92 *n.*
Aubert, Audouin, Cardinal, ii. 169.
Aubusson, College of, at Paris, i. 517.
Auch, province of, at Angers, ii. 155.
Auckland, ii. 478.
Auctor ad Herennium, i. 103 *n.*
Auditio, i. 451, 459 *n.*
Auditorium, ii. 162 *n.* *See* Lecture-room.
Augsburg, Bp. of, ii. 253.
Augustine, Saint, i. 38, 46, 53, 63, 365, 367; ii. 527, 530 *n.*; Canons of, *see* Canons Regular. Friars of, *see* Austin Friars.
Aulares. *See* Halls.
Aulatio, i. 473.
Aulica, i. 467 *n.*, 468 *n.*, 474.
Auriol, Peter, ii. 535.
Austin Friars, at Paris, i. 349, 371 *n.*; at Oxford, ii. 377, 598 *n.*
Australes, i. e. the Southern Nation at Oxford, ii. 368, 371.
Austrians, studying at Prague, ii. 213; Nation of, at Vienna, ii. 234, 239.
Authentica, i. 208.
Autun, College of. *See* Bertrand.
Auvergne, Nation of, at Bologna, i. 185 *n.*
Auxerre, Bp. of, i. 381.
Auximani, Scholares, at Padua, ii. 19.
d'Auxonne, Bp. of Cambray, i. 516.
Ave Maria, College of. *See* Hubant.
Averroës and Averroism, i. 248, 262–65, 352 *sq.*, 525, 539 *n.*; ii. 524 *n.*, 527, 532 *n.*
Avicenna, i. 80, 247, 248, 250, 353,

353 *n.*, 354, 430; ii. 117, 118, 123, 124, 524 *n.*, 782 *sq.*
AVIGNON, i. 377; ii. 28, 154, 236, 680; University of, i. 11 *n.*, 252; ii. 170–79, 632, 634, 672 *n.*, 702; College of, at Bologna, i. 199; Bp. of, *see* Tencararius.
Ávila, Gonzalez de, ii. 69.
— University of, ii. 96.
Avranches, Bp. of, i. 539 *n.*
Ayliffe, ii. 320.
Aymin, Bp. Bertrand, ii. 172.
Azo, i. 166 *n.*, 255.

B

Baccalaureus. *See* Bachelor.
— *formatus*, i. 466, 467, 470; ii. 106 *n.*
Bacchante. ii. 632 *n.*
Bachelor, i. 209, 217, 221 *sq.*, 248, 251, 287 *n.*, 369, 434 *sq.*, 443–48, 452, 455, 464–68; ii. 150 *n.*, 441, 444, 556, *et passim*.
Bacon, Francis, ii. 523–24.
— Robert, ii. 376.
— Roger, i. 92 *n.*, 354 *n.*, 359 *n.*, 363 *n.*, 538 *n.*; ii. 160, 375 *n.*, 521, 522–26, 530, 691 *n.*, 753, 784.
Baconthorp. *See* John of Baconthorpe.
Bagdad, i. 351.
Baggiolini, ii. 26.
Bagley Wood, ii. 411.
Bagnoli, Guido, di Reggio, i. 200.
Bajan, ii. 635 *n.* *See* Bejaunus.
Baker, ii. 559.
Baldus, i. 126 *n.*, 183 *n.*, 258; ii. 15 *n.*, 37, 42, 45, 48, 728.
BÂLE, University of, i. 253; ii. 269–70, 588, 627 *n.*, 672 *n.*; Bp. of, ii. 268; Council of, i. 507 *n.*, 545, 554; ii. 194, 264.
Ball, Sir W. W. R., i. 91, 243 *n.*
Ball, games of, ii. 307, 670, 670 *n.*
Balliano, ii. 26, 746.
Balliol, Sir John de, ii. 472.
— College, Oxford, ii. 466 *n.*, 472–76, 490, 504, 505, 541, 759.
Balneus. *See* Bath.
Balsham, Hugh, Bp. of Ely, ii. 555, 559 *sq.*
Banbury, ii. 426 *n.*
Bancarii, ii. 168 *n.* *See* Bedel.
Banchi, ii. 31.
Banishment, ii. 411 *n.*, 413.
Bannockburn, ii. 377.
Barbarismus. *See* Donatus.
Barbe, Saint, College of, at Paris, i. 517.
Barber Surgeons, i. 302 *n.*, 419.
BARCELONA, University of, ii. 94–95.
Barckhausen, ii. 198.
Bardinet, ii. 170.
Barnard Castle, ii. 473.
Barnwell, Priory of, ii. 542, 548 *n.*, 550, 558; 'process,' ii. 550.
Barons' War, i. 525 *n.*; ii. 395, 470 *n.*
Bartholinus, ii. 291.
Bartholomew, Saint, College of, at Salamanca, ii. 81; his skin, ii. 494 *n.*; Hospital of, at Oxford, ii. 411, 494.
Bartolus and Bartolests, i. 258; ii. 42, 45, 185.
Basset, Alan, ii. 469, 558.
Bassianus, i. 163; ii. 125.
Bateman, William, Bp. of Norwich, ii. 567–69.
Bath, Bp. of. *See* Burnel.
— at graduation, i. 289.
Bathing, ii. 307.
Batley. *See* Batteler.
Batteler, i. 475 *n.*; ii. 657.
Battisia de Gozzadinis, ii. 745.
Baudel, ii. 179.
Baur, i. 25.
Bavarians, Nation of, at Prague, ii. 213, 217; at Leipsic, ii. 256.
Bayeux, Bp. of, ii. 194; College of, at Paris, i. 515.
Beaton, James, Abp. of S. Andrews, ii. 301.
Beatrice, Duchess, i. 113 *n.*
Beaugrand, i. 75.
Beaune, ii. 187, 740.
Beauvais, College of, at Paris, i. 499 *n.*, 515; ii. 638.
Bec, Abbey of, i. 101, 102, 129.
Beck, Antony, Bp. of Durham, ii. 424 *n.*
Becket. *See* Thomas, Saint.
Bécond, Pierre, i. 516.
Bede, the Venerable, i. 275 *n.*; ii. 545.
Bedels, i. 193, 194, 316, 414, *et passim*.
Bedford, Duke of, ii. 194.
Beer. *See* Meals, Drinking.
Begging by students, ii. 657.
Beghards, i. 529.
Beguines, i. 529.
Bejaunia. *See* Bejaunus.
Bejaunus (freshman), i. 288 *n.*, 402 *n.*, 407; ii. 628–36.
Belbeuf, Marquis de, i. 478.
Belle-Forest, i. 271.
Belle-Perche, Pierre de, ii. 165.
Belot, Étienne, i. 514.
Beltina de Calderinis, ii. 745.
Benedict, Saint, College of, at Montpellier, ii. 131.
— XII, Pope, i. 531; ii. 45, 163, 181, 640 *n.*, 721.
— XIII, Anti-Pope (Petrus de Luna), i. 544; ii. 56, 76–77, 90, 145, 297 *sq.*, 723.
Benedictines, i. 26 *sq.*, 345; ii. 568 *n.*; at Oxford, ii. 476–78, 480; at Cambridge, ii. 559.

Benefices. *See Rotulus Beneficiandorum.*
Beneficiarii, i. 489 *sq.*, 495 *sq.*; ii. 662.
Benjamin of Tudela, i. 77 *n.*; ii. 117 *n.*
Berengar of Tours, i. 46, 47; ii. 149 *n.*
Berenger, College of, at Toulouse, ii. 169.
— Aimery, ii. 169 *n.*, 684.
Berkeley, Bp., i. 538.
Bernard, Saint, i. 25, 52, 54–59, 345, 350; ii. 115 *n.*, 480; College of, at Oxford, ii. 479; at Avignon, ii. 177.
— Dr. Mountague, ii. 786.
— of Chartres, i. 65.
— the Abbé Eugène, i. 345.
Berriat-Saint-Prix, i. 90, 258 *n.*, 265 *n.*; ii. 181.
Berry. Nation of, at Bologna, i. 185 *n.*; at Poitiers, ii. 192; at Bourges, ii. 205; Charles, Duke of, ii. 204.
Bertrand of S. Denys, i. 394.
— di Diaux, Cardinal, ii. 127.
— College of, at Paris, i. 516.
Berty, i. 478. *See* Errata.
Berytus, i. 146.
BESANÇON, University of, ii. 190, 191, 205; Abbot of S. Paul at, ii. 190; Dean of S. Mary Magdalene at, ii. 190.
Bethell, Lord Westbury, i. 126 *n.*
Beza, ii. 147 *n.*
Bianco, ii. 251.
Biberia, ii. 655 *n.*
Bible, Lectures on, i. 464, 467; ii. 380 *sq.*, 452–53. *See* also Theology, knowledge of, in Middle Ages, ii. 701.
Bible-clerks, ii. 512.
Biblicus, i. 466, 467.
Bicester, Convent at, ii. 469.
Bidellus. See Bedel.
Biel, Gabriel, ii. 535 *n.*
Billom, in Auvergne, Schools at, ii. 727.
Billy, Labbey de, ii. 187.
Bimbenet, ii. 136 *sq.*
Binder, ii. 533 *n.*
Bini, ii. 40.
Binsey, spring at, ii. 324.
Biretta, i. 229, 232, 287, 453, 473; ii. 641 *sq.*
Birettatio, i. 452, 473.
Blacas, ii. 184.
Black, correspondent of John of Salisbury, ii. 332 *n.*
Blackburn, ii. 304.
Black Death, ii. 569, 573, 584.
Blackfriars. *See* Dominicans.
Blackstone, ii. 752.
Blaise, ii. 117 *n.*
Blakiston, Rev. H. E. D., ii. 477 *n.*, 666 *n.*, 667 *n.*
Blanchart, i. 560.
Blanche of Castille, i. 336.
Bleeding, ii. 240 *n.*
Bliss, Mr., i. 533 *n.*; ii. 367 *n.*, 384, 756.
Bliss, Editor of Wood, ii. 319.
Bloxam, ii. 512.
Boase, Rev. C., i. 444 *n.*; ii. 321, 490, 600.
Bŏaventura. *See* Fortunato.
Boccaccio, ii. 49.
Boece, Hector, ii. 304 *n.*, 310.
Boel, Michael, College of, at Montpellier, ii. 131.
Boethius, i. 34–37, 63, 350, 434, 435; ii. 240 *n.*, 443, 455, 456, 457, 525 *n.*, 744.
— Pseudo-, ii. 606.
Bohemia, Nation of, at Vienna, ii. 234; at Bologna, i. 185 *n.*; at Prague, ii. 217. *See* also Prague.
— education in, ii. 215 *sq.*
Boissi, College of, at Paris, i. 504, 516.
Bolbonne, College of, at Toulouse, ii. 169.
BOLOGNA, University of, i. 6, 8 *n.*, 9–12, 16 *n.*, 19–21, 89–268, 443; ii. 32 *sq.*, 48, 467, 581 *sq.*, 606 *n.*, 656 *n.*, 731–36, 745; influence upon Paris, i. 292, 304 *sq.*, 431; upon Lerida, ii. 88; upon French Universities, ii. 112, &c.
— Bishop of, i. 186, 253, &c.; Archdeacon of, i. 223–29, 732, &c.
Bonaventura, i. 345, 363, 380 *n.*, 497 *n.*, 539 *n.*; ii. 527.
Boncompagni, i. 111, 148, 149, 250 *n.*; ii. 11.
Boncour, College of, at Paris, i. 494 *n.*, 516.
Bönicke, ii. 253.
Boniface, VIII, Pope, i. 7 *n.*, 406, 542; ii. 38, 76, 87, 133 *n.*, 165, 171, 719, 723.
— IX, Pope, ii. 53, 55, 253, 284, 401 *n.*, 430, 434, 550, 564, 723.
Bonnet, Bp. of Bayeux, i. 515.
Bonushomo, i. 380 *n.*
Bookbinder, i. 417.
Books, trade in, i. 181, 191 *sq.*, 415–17; private supply of, ii. 668. *See* also Libraries.
Boots, academical, *see* Pynsons; unacademical, ii. 637.
BORDEAUX, University of, ii. 198-200.
— Province of, at Angers, ii. 155.
Boreales (i. e. the Northern Nation), at Oxford, ii. 362, 368, 371, &c.
Borsetti, ii. 55.
Boucard, College of, at Paris, i. 517.
Bouchard d'Avesne, ii. 139 *n.*
Bouquet, i. 295 *n.*, 478, *et passim.*
Bourbon, Francis of, ii. 181.
BOURGES, University of, ii. 204-205, 742–44.
— Province of, at Angers, ii. 155.
Bourgogne. See Burgundy.

Bourguell, Abp. of Tours, i. 515.
Bourgueville, Sieur de Bras, ii. 194.
Bourmont, Comte A. de, ii. 194.
Boyer, ii. 113.
Boys, Collége du, at Caen, ii. 196.
Brabant, Nation of, at Louvain, ii. 260.
Brachylogus, the, i. 105; ii. 137.
Bracton, i. 130.
Bradshaw, Henry, ii. 547 *n.*
Bradwardine, Abp. of Canterbury, i. 442 *n.*, 538 *n.*; ii. 241 *n.*, 540.
Braga, ii. 101.
— in Portugal, ii. 102.
Brahe, Tycho, i. 443 *n.*
Brandao, ii. 101.
Brandenburg, Bp. of, ii. 265, 266.
Bras, Sieur de, ii. 194.
Brasenose College, Oxford, ii. 515 *n.*, 622.
Breakfast, ii. 652 *sq.*
Brechin, Bp. of, ii. 298.
Bredgar, Saint, Chantry of, in the diocese of Canterbury, ii. 595 *n.*
Brégille, ii. 190.
Brent, Benedict, ii. 434.
Brescia, College of, at Bologna, i. 200; at Montpellier, ii. 131; Bp. of, *see* Trégard.
Brethren of the Free Spirit, i. 529.
Breviarium, i. 100, 124.
Brieger, ii. 254.
Brieuc, Saint, Dean and Chapter of, ii. 202.
Britain, Nation of, at S. Andrews, ii. 298.
Brittany, Duke of, i. 337 *n.* (*see* also Francis, John); Nation of, at Angers, ii. 153 *n.*, 155.
Brixen, Council of, i. 107 *n.*
Brocardica, i. 220.
Brodrick, the Hon. George, Warden of Merton, i. 249 *n.*; ii. 320, 326 *n.*, 328 *n.*, 481, &c.
Brogny, Cardinal, ii. 177.
Bronchoud, ii. 724.
Browerus, ii. 263.
Browne, Sir Thos., ii. 135.
Brugère, ii. 132.
Bruno, Saint, Bp. of Segni, i. 109 *n.*
Bruno. *See* Leo IX.
Brunus, i. 235 *n.*, 245 *n.*, 248.
Brute, the Trojan, ii. 323.
Bryce, Dr, i. 409; ii. 708 *n.*
Buchanan, ii. 303.
Buck, Sir George, ii. 752.
Buckingham, Bp. of Lincoln, ii. 427 *n.*
— College, Cambridge, ii. 559.
BUDA, University of, ii. 288–89.
Budinszky, i. 70 *n.*, 272, 546 *n.*
Bueil, College of, at Angers, ii. 157.
Bugden (or Buckden), ii. 421 *n.*, 422.
Buildings, University, i. 189, 190, 400–402; ii. 461 *sq.* (*see* also Lecture-rooms).
Bulaeus, Caesar Egidius, i. 25, 271, 272, 275, 297 *n.*, 301 *n.*; ii. 352 *n.*
Bulgarus, i. 120 *n.*, 258.
Bull-fights. i. 231; ii. 74 *n.*
Bullying. *See* Bejaunus, Initiation.
Buoncompagni, i. 223 *n.*; ii. 11.
Burchard of Worms, i. 129.
Burgh, Elizabeth de, Countess of Clare, ii. 563.
Burghersh, Bp. of Lincoln, ii. 492 *n.*
Burgos, Alonso de, Bp. of Cordova, ii. 84.
Burgundians, party of, i. 521 *sq.*
Burgundy, i. 96; ii. 190; Nation of, at Montpellier, ii. 117; at Orleans, ii. 146; at Aix, ii. 187; College of, at Paris, i. 515; Students from, at Paris, i. 553.
Buridan, John, i. 441, 539 *n.*; ii. 222 *n.*, 296 *n.*
Burleigh, Walter, i. 263 *n.*; ii. 539 *n.*
Burnell, Robert, Bp. of Bath and Wells, ii. 759.
— William, Archdeacon of Wells, his Inn or College at Oxford, i. 758–60.
Burrows, Prof. Montagu, ii. 321, 464 *n.*, 511.
Bursa (weekly board), i. 392, 432, 475.
— *Rectoris*, i. 418 *n.*
— *determinantionis*, i. 509.
— (i. e. College or Hall), i. 481 *n.*, 507 *n.*; ii. 250, 253, 255 *n.*, 278, 285, 607 *n.*, 609 *n.*, 613 *n.* *See* also Hospicia, Hall, Paedagogium.
Bursar (i. e. scholar on foundation of a College), ch. v. § 5 *passim*; (i. e. Treasurer of a College), ii. 484, &c.
Bury S. Edmund's, Abbot of, ii. 347, 555 *n.*
Buslidius, Hieronymus, ii. 262.
Byckenore, Alexander de, Abp. of Dublin, ii. 720.
Byngham, William, ii. 570.
Byrche, John, ii. 432 *sq.*, 434, 435.
Bywater, Prof., ii. 745.

C

Cabochiens, Rising of, i. 522 *sq.*
Caelius Aurelianus, i. 78.
CAEN, University of, i. 430 *n*, 440 *n.*, 453 *n.*, 454 *n.*, 459 *n.*, 461 *n.*, 474 *n.*, 512 *n.*; ii. 194–98, 202, 641 *n.*, 657 *n.*, 696 *n.*
Caesar of Heisterbach, ii. 115 *n.*
CAHORS, University of, ii. 179–80.
Caius College, Cambridge, ii. 567.
Caius, Thomas, ii. 319.

Caius, Dr. John, ii. 319, 543, 567, 595 *n.*, 623.
Cajetan, Cardinal, i. 264.
Calabria, i. 235 *n.*
Calatayud, University of, ii. 723.
Calderini, Beltina and Novella, ii. 745.
Calixtus III, Pope, ii. 265, 266 *n.*, 723.
Calvi, College of, at Paris, i. 514.
Calvin, ii. 147 *n.*
CAMBRIDGE, University of, i. 22, 260 *n.*, 314 *n.*, 337, 461, 472 *n.*; ii. 262 *n.*, 319, 349, 370, 445, 446, 449 *n.*, 450, 459 *n.*, 472 *n.*, 483, 519 *n.*, 543–57, 643, 666 *n.*, 670 *n.*, 762–65.
— Churches at, S. Benet's, ii. 505, 548 *n.*; S. Edward's, ii. 568 *n.*; S. John Baptist, ii. 568 *n.*; S. Mary's, ii. 547 *n.*; S. Mary's-the-less, ii. 560 *n.*; S. Michael's, ii. 505; S. Peter's, ii. 560.
— Colleges of, ii. 558–78.
Camden, ii. 322.
Camera (i. e. lodging), i. 194 *sq.*
— Examination in, i. 450, 451; ii. 743.
Camerarii, ii. 92 *n.*
Camerista, i. 475; ii. 657 *n.*
Camerlengo, Papal, ii. 29.
Campania, University or Nation of, at Bologna, i. 156, 159 *n.*; ii. 731.
Campanus de Novara, i. 250, 442 *n.*; ii. 526 *n.*
Campi, ii. 35.
Cancellarius. *See* Chancellor.
Candles, Expensiveness of, ii. 667.
Canons, Regular, i. 345, 346, 559; ii. 479, 480; of Sempringham, ii. 559.
Canonists. *See* Law, Canon.
Cantaber, ii. 545.
Cantelupe, ii. 543, 651 *n.*, 655 *n.*
Canterbury, Abp. of, ii. 428–30, 485, &c. *See* also Anselm, Theobald, Thomas, Edmund, Kilwardby, Peckham, Bradwardine, Islip, Langham, Sudbury, Courtney, Arundel, Chicheley, Morton, Parker.
— College, at Oxford, ii. 414, 478, 498–499, 653 *n.*
— Schools at, ii. 601.
Cantilena, ii. 458.
Cantipratanus, i. 379 *n.*, 391 *n.*
Cap. *See* Biretta, Dress, Pileum.
Capella, Martianus, i. 35.
Capet, Hugh, i. 59, 276, 518.
Capgrave, ii. 328 *n.*
Capiscol (i. e. Scholasticus), ii. 179 *n.*
Capitale, meaning of, i. 297 *n.*
Capocci, Nicolas, Cardinal, ii. 41.
Cappa, i. 196, 202 *n.*, 439, 440; ii. 639 *sq.*, 643.
Captains, at Oxford, ii. 364, 368.
Caput Senatus, at Cambridge, ii. 556 *sq.*
Carafa, ii. 27.
Cardinal College, Oxford, ii. 623.
Carlisle, Bp. of, ii. 376, 574.
Carlyle, Thomas, ii. 347.
Carmelites, at Paris, i. 349, 371 *n.*, 522; at Oxford, ii. 37; at Cambridge, ii. 559.
Carnival, vacation at, i. 221; ii. 673; riots at, i. 335 *sq.*, 374.
Carpellini, ii. 31.
Carrara, family of, at Padua, ii. 18, 20.
Carriers, University, i. 415; ii. 605. *See* Nuntius.
Carrillo, Alfonso, ii. 99.
Carter, ii. 543.
Carthusians, their College at Montpellier, ii. 130.
Casaubon, Isaac, ii. 135 *n.*
Casimir the Great, ii. 283.
Cassani, i. 90, 133 *n.*
Cassian, i. 27.
Cassiodorus, i. 34, 35 *n.*, 78 *n.*
Castelnau, ii. 113.
Castile, i. 472. *See* Palencia, Sigüenza, Alcalá.
Castro Pietro, migration to, from Bologna, i. 217; ii. 736.
Catalonia, ii. 94; Nation of, at Aix, ii. 187; at Bologna, i. 157 *n.*, 184 *n.*; at Montpellier, ii. 117; at Padua and Vercelli, ii. 14, 746.
CATANIA, University of, ii. 58–59.
Catharine, Saint, College of, at Cambridge, ii. 577.
Cathedra, i. 229, 232, 287.
Cathedrals, their schools, i. 28 *sq.*, 42, 91 *sq.*, 274–79, 290.
Cathedrarii, ii. 85.
Catherine, Saint, Festival of, ii. 671 *n.*;
— — de Valle Scholarium, College of, at Paris, ii. 679.
— de Pampeluna, College of, at Toulouse, ii. 169.
Catherinot, ii. 204.
Cato, Dionysius, i. 72; ii. 602 *n.*, 603.
Cauchon, Pierre, Bp. of Lisieux, ii. 197.
Caudrelier, Abbot of S. Vast, i. 515.
Cauly, ii. 725.
Çauma, Rabbanus, ii. 590 *n.*
Causidicus, i. 118.
Cauvet, ii. 194.
Cazaleti, Jean, ii. 177.
Cecco d'Ascoli, i. 244.
Celestine III, Pope, i. 293 *n.*
Celibacy of Regents, ii. 647. *See* Marriage.
Celsus, ii. 785.
Cenomanenses, at Bologna, i. 157 *n.*
Ceremonies, Master of, ii. 129 *n.*
Cessation or Suspension of Lectures, i. 293, 336, 375 *sq.*, 421, 425.

Cetus magistrorum, at Montpellier and Oxford, ii. 121 *n.*, &c.
Chacón, ii. 69.
Chaldee. *See* Oriental languages.
Chalmers, ii. 320.
Chamberdekyns, i. 506.
Champagne, Nation of, at Orleans, ii. 146.
Chanac, Anne. *See* William.
Chancellor, in Cathedrals, i. 281–84; ii. 396, &c.
— at Bologna, i. 225, 233, 253.
— at Paris, i. 282, 305–13, 316–19, 333–34, 339–42, 371–73, 393–96, 448–53, 456–58, 469, 472–74, 494; ii. 586 *n.*; of S. Geneviève, at, i. 341–42, 387, 396, 450–52, 454, 458.
— of Oxford, i. 398, 399, 411; ii. 348 *n.*, 351–59, 363–67, 391–94, *et passim*, 414 *sq.*, 418–24, 439 *sq.*, 466 *sq.*, 785–90.
— at Montpellier, ii. 120 *sq.*, 356 *n.*
— at Vienna, ii. 235.
— Cambridge, ii. 547–550, &c.
— in Spanish Universities, ii. 59 *n.*
— in other Universities, *passim*.
Chandler, Warden of New College, Oxford, 464 *n.*, 499, 514–15.
— Bp., ii. 512.
Chapotin, i. 478.
Chappuis, Jean, i. 140 *n.*
Chapter in Colleges, i. 202; ii. 617.
Chardonnet, Collége du, i. 488, 514.
Charivari, ii. 648.
Charles, Monsieur, ii. 522 *n.*, 525 *n.*, 530 *n.*
— Martel, ii. 116.
— the Great, Emperor, i. 27 *sq.*, 33 *n.*, 76 *n.*, 91, 92, 145, 273 *sq.*, 350.
— the Bald, Emperor, i. 28, 273.
— IV, Emperor, ii. 9, 33, 48, 53, 182, 722.
— V, Emperor, i. 159 *n.*; ii. 84, 101.
— V, King of France, i. 442 *n.*, 520, 542; ii. 151.
— VI, King of France, i. 527 *n.*, 542; ii. 133 *n.*
— VII, King of France, i. 552; ii. 147 *n.*, 180, 192, 195.
— VIII, King of France, i. 424; ii. 135, 183, 191, 203, 204 *n.*, 205.
— IX, King of France, ii. 181.
— I of Naples, ii. 24 *n.*
— II of Naples, i. 16 *n.*; ii. 171, 185.
— III of Anjou, ii. 24, 153 *n.*
— IV, King of Bohemia, ii. 212, 214, 233, 236.
Charma, ii. 194.
Charnock, Richard, Prior of S. Mary's, Oxford, ii. 480 *n.*
Charondas, ii. 58 *n.*
Chartres, School of, i. 69, 70; ii. 5, 138 *n.*; Cathedral of, ii. 610; Bishop of, *see* Ivo.
Chase, Dr. D. P., ii. 760–62.
Chatel, ii. 194.
Chatelain, Monsieur, i. 272, 273.
Châtelet, i. 411. *See* Conservator Royal.
Chaucer, i. 249 *n.*; ii. 506 *n.*, 562, 668.
Chauliac, Gui de, i. 245 *n.*; ii. 132.
Chavernac, ii. 184, 186 *n.*, 635 *n.*
Cheltenham, Phillipps Library at, i. 200 *n.*
Chenu, ii. 204.
Chicheley, Henry, Abp. of Canterbury, ii. 479. 511.
Chess, i. 195 *n.*; ii. 671.
Chiapelli, i. 63 *n.*, 90, 104 *n.*, 122 *n.*, 144 *n.*
Chieri, University of Turin transferred to, ii. 57.
Chirurgeons, i. 418–419. See also Surgery, Barber-Surgeons.
Cholets, Collége des, at Paris, i. 515; ii. 651 *n.*
Choristers of Colleges, i. 495; ii. 514 *n.*
Chrestien, Gervais, i. 515.
Christ Church, Oxford, ii. 324, 475, 499. 759.
Christ's Hospital, ii. 638.
Christian of Beauvais, i. 383 *n.*
— I, King of Denmark, ii. 291.
— III, King of Denmark, ii. 292.
Christopher, Saint, Church of, at Paris, i. 484.
Chrysoloras, ii. 49.
Cicero, M. Tullius, i. 63, 65 *n.*, 240, 249; ii. 457.
Cincture, or girdle, i. 230 *n.*; ii. 642–43.
Cinus, i. 167 *n.*, 258.
Circuli, i. 220 *n.*
Cistercians, their House at Paris, i. 340 *n.*, 441 *n.*; ii. 618 *n.*, 636 *n.*, 642 *n.*; College of, at Toulouse, ii. 168; at Avignon, ii. 177; at Dole, ii. 190; at Oxford, ii. 479.
Cîteaux, i. 345. *See* Harding, Stephen.
Citramontani, University of, at Bologna, i. 156 *sq.*, 178 *sq. et passim*; at Padua, ii. 15; at Pisa, ii. 45, cf. ii. 51.
Civitates regiae, privileges of, i. 13 *n.*; ii. 5 *n.*
Clairvaux, Abbey of, i. 488.
Clarence, Lionel, Duke of, ii. 511, 720.
Clarenza, Cordaro, ii. 58.
Clarevallenses, College of, at Paris, i. 371 *n.*
Clark, Mr. J. W., ii. 544.
— Rev. Andrew, i. 444 *n.*; ii. 319, 321, 509, 600 *n.*
Classe, i. 132 *n.*
Classics, study of, i. 35 *sq.*, 62–67, 94, 103, 240, 265–68, 433; ii. 37, 137. *See* also Renaissance, Rhetoric.

Clemangis, Nicholas de. *See* Nicholas.
Clement, College of Maître, i. 516.
— III, Pope, i. 149.
— IV, Pope, ii. 24, 125 *n.*, 126.
— V, Pope, i. 331 *n.*, 344 *n.*; ii. 40, 76, 117 *n*, 121, 123, 139 *n.*, 142, 719.
— VI, Pope, i. 533; ii. 15, 44, 47, 83, 84 *n.*, 214, 427 *n.*
— VII, Anti-pope, i. 333 *n.*, 535, 543, 559; ii. 76, 83 *n.*, 103, 134, 168, 183, 237, 245.
Clementines, i. 140, 209.
Clericus, meaning of, i. 183 *sq.*, 292; ii. 644; at the Sorbonne, i. 489 *sq.*; ii. 621.
Clerks of the Market at Oxford, ii. 409 *n.*
Clients of the University, at Paris, i. 411, 415.
Clifford, Richard, Bp. of London, ii. 759.
Cluniacs, i. 31, 345; their College at Avignon, ii. 177; at Dole, ii. 190.
Cluny, College of, at Paris, i. 514.
Clydesdale, Nation of, at Glasgow, ii. 305.
Cobham, Thomas, Bp. of Worcester, ii. 374 *n.*, 461.
— Chancellor of Oxford, ii. 426.
Cochlæus, ii. 56.
Cock-fighting, ii. 673.
Code. *See* Theodosian Code, Justinian.
Codrii, ii. 657. *See* Domus Pauperum.
Cogo, Dr., ii. 26, 750.
Cohn. *See* Conrat.
Cohue, La, at Caen, ii. 196.
COIMBRA, University of, i. 226 *n.*, 232, 232 *n.*; ii. 101–106.
Coitier, ii. 191.
Coke, i. 130; ii. 752.
Colet, Dean, ii. 464, 514 *n.*, 515.
Colland, ii. 232.
Collatio (i.e. lecture or academical exercise), i. 402 *n.*, 449.
— (i.e. Sermon or Lecture), i. 402 *n.*, 449, 450, 452, 467 *n.*
Collation (i.e. evening potation), ii. 655.
Colle, ii. 10.
Collecta of Doctors and Bedels, i. 193 *sq.*, 210–13; ii. 460.
Collector Baccalaureorum, i. 444 *n.*
College of arms and arts, i. 163, 172 *n.* *See* Guilds.
— of Doctors, i. 82, 147 *sq.*, 167 *sq.*, 197, 206 *sq.*, 214 *sq.*, 237, 432; ii. 18 *et passim.*
— for students at Bologna, i. 199–205; at Paris, i 478–517; at Oxford, ii. 464–518, 758–60; at Cambridge, ii. 558–578; in Germany, ii. 218 *sq.*; in Scotland, ii. 303, 308, 313, 314.
— fusion of, with University, ii. 97–98, 313–14.
College of military orders at Salamanca, ii. 81 *n.*
— life in, ii. 615–24, 660 *sq.*, &c.
— teaching in. *See* Lectures, Tutors.
Colléges de pleine exercice, at Paris, i. 508, 509; at Prague, ii. 232 *n.*
Collegiati, ii. 276, &c. *See* Colleges.
Collegium, as equivalent of Universitas, i. 7, 375; Artistarum, at Heidelberg, ii. 249; Ducale, at Vienna, ii. 238; Georgianum, at Ingolstadt, ii. 272; Gregorianum, at Perugia, ii. 41; Hervordianum, at Cologne, ii. 253; Jacobiticum, at Heidelberg, ii. 249; Ridium, at Padua, ii. 19; Ruremundanum, at Cologne, ii. 253 *n.*; Spinelli, at Padua, ii. 19; Tornacense, at Padua, ii. 19; Trilingue, at Louvain, ii. 262. (For Colleges of other Universities, *see* names of Universities.)
— Medieval ideas about, i. 165 *sq.*, 179, 302 *sq.*
— majus and minus, at Cracow, ii. 285; at Erfurt, ii. 246; at Leipsic, ii. 255, 614, 672 *n.*; at Rostock, ii. 257; at Greifswald, ii. 267. (For other Colleges, *see* under their respective names.)
COLOGNE, University of, i. 226 *n.*, 416 *n.*, 429 *n.*, 441 *n.*, 468 *n.*, 474 *n.*; ii. 226 *n.*, 249, 251–53, 306, 588, 608 *n.*, 638 *n.*, 652 *n.*
Colombini, ii. 31.
Columbus, ii. 77.
Combination-room, ii. 666.
Commencement at Cambridge, ii. 446, 763–65. *See* Inception.
Commensales, i. 475, 496–500; ii. 517, 518.
Committimus, droit de, i. 412 *n.*
Commoner. *See* Commensales.
Common-rooms, ii. 666 *n.*
Como, i. 119.
Comparetti, i. 25.
Compurgation, ii. 417.
Conception, Immaculate, ii. 536.
Conclave, i. 397.
Conclusion, Rectorial, i. 330 *sq.*, 406.
Concordantia discordantium Canonum. *See* Gratian.
Concours, in French Universities, ii. 190 *n.*
Confectionarius, i. 84.
Confraternity. *See* Guild.
Congregation, at Bologna, i. 189 *sq.*; at Paris, i. 372, 374, 375, 382, 389, 400–10; at Oxford, ii. 365 *n.*, 372–75, 386, 789–93 *et passim*; Black or Previous, at Oxford, ii. 372–75, 388 *n.*

Con-principal, ii. 558.
Conrad IV, King of Naples, ii. 23.
— of Geylhausen, ii. 249.
— nephew of Abp. of Vercelli, ii. 746.
Conrat (formerly Cohn), i. 91, 122 *n.*
Conringius, i. 3.
Conservation, Court of, at Paris, i. 343.
Conservator Royal, i. 297, 411–13; ii. 78 *n.*
— Apostolic, at Paris, i. 343–44, 411–13, 421; at Oxford, ii. 419; and in other Universities, *passim*.
— of exemption from *Aides*, at Paris, i. 422.
Consiliariae, at Bologna, i. 157–59, 189 *sq.*
Consiliarii, at Bologna, and other Universities, i. 157, 165, 185 *sq.* *et passim*; in Colleges or Halls, i. 481 *n.*, &c.
Consortium, i. 294 *n.*, 304, 307, 371, 378, 388 *n.*
Constance, Council of, i. 523, 545; ii. 84, 229, 250, 545 *sq.*
— Bp. of, ii. 268 *n.*
— i. 98, 253.
Constantinople, College of, at Paris, i. 99, 359, 486, 503 *n.*, 514, 516.
Constantinus Africanus, i. 76 *n.*, 81–82, 86, 429; ii. 123, 781 *sq.*
Contubernium, i. 194; Dionysianum at Heidelberg, ii. 249.
Conventatio. *See* Inception.
Conventio or *Conventus*. *See* Inceptio.
Conventor (bursae), ii. 278.
Convictor, i. 490 *n.*
Convocatio, i. 458 *n.*; ii. 791 *sq.* *See* Congregation.
Convocation of Canterbury, representatives of Universities in, ii. 519.
Cooper, ii. 543.
COPENHAGEN, University of, ii. 290–91.
Copernicus, i. 245; ii. 77, 660 *n.*
Coppi, i. 90, 114 *n.*
Coquerel, College of, at Paris, i. 512 *n.* 517.
Corbeil, i. 49, 417.
Corentinus, Saint, ii. 671 *n.*
Corlieu, i. 273.
Cornouaille, College of, at Paris, i. 455 *n.*, 496 *n.*, 515; ii. 618 *n.*, 671 *n.*, 674 *n.*
Cornwall, County of, Earl of. *See* Edmund.
Coroner's Inquests, at Oxford, ii. 682 *sq.*
Corpus Christi College, Oxford, ii. 615 *n.*, 744.
— — — Cambridge, ii. 490, 569–70.
Corpus Juris Canonici, i. 139, 142.
Correctores peciarum, i. 191.
Cosmas, Saint, Church of, at Paris, i. 401 *n.*; ii. 680 *n.*
Council, Hebdomadal, at Oxford, ii. 792. *See* Consiliarii.
Courçon, Robert de. *See* Robert.
Court, Inns of, ii. 752.
Courtecuisse, Jean, i. 521, 545.
Courtenay, Abp., ii. 429, 430, 433, 499.
Cousin, Victor, i. 25, 37 *n.*, 285 *n.*; ii. 333 *n.*
Coville, i. 521 *n.*, 522 *n.*
Cox, i. 444; ii. 320.
CRACOW, University of, i. 481; ii. 283–86, 607 *n.*
Cranmer, Abp. of Canterbury, i. 262.
Creansyr, ii. 626 *n.* *See* Creditor.
Creditor (i. e. Tutor), ii. 626, 779.
Creighton, Bp. of Peterborough, i. 521 *n.*; ii. 361 *n.*, 531 *n.*, 545 *n.*
Cremona, Schools of, i. 17 *n.*
Crevier, i. 271, 276 *n.*, 283 *n.*, 400 *n.*, 521.
Cricklade, ii. 323.
Croix. Collége de la, at Avignon, ii. 177.
Cromwell, Oliver, ii. 398.
Crowland, Monks of, ii. 545.
Croyland, Abbey of, ii. 559.
Crucius, ii. 179.
Crusades, i. 31, 68; ii. 694.
Cujas, i. 261; ii. 201, 205.
Curator (i. e. Tutor), ii. 779.
Curatores Studii, ii. 38.
Cursare (i. e. legere cursorie), ii. 81 *n.*
Cursor, i. 427 *n.*, 465, 467; in different sense, i. 428 *n.*
Cursory, i. 426 *sq.*; ii. 516 *n.* *See* also Lectures.
Cursus, i. 465. *See* also Cursory.
Curtius, Q., i. 65 *n.*
Curtosius, College of, at Padua, ii. 19.
Cypriots, College for, at Padua, ii. 19.
Czechs, ii. 220 *sq.* *See* Bohemia.

D

Daae, ii. 290.
Daces, Collége des, at Paris. *See* Danes.
Dainville, College of, i. 497 *n.*, 516; ii. 662 *n.*
dal Borgo, Flaminio, ii. 44.
Dalderby, Bp. of Lincoln, ii. 422 *n.*, 424 *n.*, 426, 531 *n.*
Dallari, i. 90.
d'Alton, ii. 721.
Dameto, ii. 96.
Damian, S. Peter, i. 47 *n.*, 107 *n.*, 277 *n.*; ii. 731; Church of, at Paris, i. 401 *n.*
Dancing, i. 187, 292 *n.*, 453; ii. 312 *n.*, 672.

Danes, College of, at Paris, i. 514; studied at Cologne, ii. 292. *See* Copenhagen.
Daniel de Merlac, i. 323; ii. 338 *n.*
Dante, i. 237 *n.*, 263, 440 *n.*; chair of, at Piacenza, ii. 37; at Florence, ii. 49.
D'Arbaumont, ii. 187.
Daremberg, i. 75, 77, 80 *n.*, 82 *n.*
D'Argentré, i. 272, 463 *n.*
Dauphiné, ii. 181.
David de Dinant, i. 353 *n.*, 354 *n.*, 356, 357, 434.
Davila, ii. 69.
Dean of superior Faculties, i. 327–29, 331 *n.*, 333–34, 397, 400, 403, 405, 406 *n.*, &c.; of Arts, ii. 131, 196, 217, 238, 245, 249, 252, 256, 260 *n.*, 271, 276, 299; of Faculty, ii. 308; of a Province, i. 321; of a College, ii. 484, 493, 501, 565 *n.*, &c.
de Avila, Gonzalez, ii. 69.
Decanus. See Dean.
Declinatio, i. 66 *n.*
Decrees, Faculty of. *See* Faculty and Law, Canon.
Decretalia. See Decretals.
Decretals of Gregory IX, i. 139 *sq.*, 209; ii. 453, &c.
Decretum. See Gratian, Burchard, Ivo.
Deductio, i. 187.
de Foulques, Mlle A., ii. 136.
Degradation, ecclesiastical, ii. 419 *n.*
Degree, meaning of word, i. 455 *n.*; value of, i. 456–61, 471–72; refusal of, i. 459–62, 470; bogus, ii. 29, 750 *sq.* *See* also Bachelor, Doctor, Examination, Graduation, Inception.
de Haitze, ii. 185 *n.*
de la Baume, Maxime, ii. 113.
de la Fuente, ii. 65, 69, 86, 94, 99.
Delalain, i. 272, 416 *n.*
de la Penne, ii. 684.
de la Rue, ii. 194.
de la Thaumassière, ii. 204.
de Lens, ii. 148.
del Giudice, ii. 22.
Delisle, Léopold, ii. 136.
della Rovere, Cardinal Juliano, ii. 176, 177. *See* also Sixtus IV.
Demy, at Magdalen, i. 495; ii. 514, 515.
Denifle, i. 3, 4, 12 *n.*, 19 *n.*, 22 *n.*, 86, 90, 137, 146 *n.*, 157 *n.*, 175 *sq.*, 183 *n.*, 272, 280 *n.*, 295 *n.*, 297 *n. sq.*, 314 *n.*, 319 *n.*, 331 *n. sq.*, 339 *n.*, 341 *n.*, 373 *n.*, 388 *n.*, 406 *n.*, 463 *n.*; ii. 23, 31, 32 *n.*, 67 *n.*, 69, 70 *n.*, 75 *n.*, 83, 86, 90, 99, 101, 111, 115 *n.*, 137 *n.*, 139, 141 *n.*, 171 *n.*, 242, 352 *n.*, 371 *n.*, 375 *n.*, 462 *n.*, 551 *sq.*, 719, 731, 739–41.
Denmark, Universities of. *See* Copenhagen.
Dentists, i. 235 *n.*
Denunciatores Doctorum, i. 199.
Denys, Saint, Monastery of, at Paris, i. 52; ii. 136; College of, i. 514; Fair of, i. 418.
Depositio, i. 288 *n.*; ii. 628–32.
Deposition, ecclesiastical, ii. 419 *n.*
Depositor, ii. 631 *n.* *See* Depositio.
Deprivation of Masters and Scholars. *See* Privatio.
Deputies of University, i. 400.
de Ram, ii. 259.
Derby, Archdeacon of, ii. 420.
de Reussens, ii. 259.
Dervorguilla, wife of John Balliol, ii. 473.
Descartes, i. 265.
Desiderius, Saint, ii. 729. *See* Victor III.
Desmaze, i. 272.
Desmond, Earl of, ii. 721.
Determination, i. 443–48; ii. 441, 444.
Determiner. *See* Determination.
Deutsch, S. M., i. 25, 54 *n.*
Devic, ii. 157.
Dialectic. *See* Logic.
Diaz, Vidal y, ii. 69.
Dictamen, i. 111, 125; ii. 138.
Dictation, i. 438.
Didanus, King, ii. 324.
Diehl, Charles, ii. 735.
Diether, Abp. of Mainz, ii. 272.
Digest. *See* Justinian.
Digestum Novum, and *Vetus*, i. 122, 208. *See* also Justinian.
Dijon, College of, at Avignon, ii. 177.
Diniz, King of Portugal, ii. 102.
Dinner. *See* Meal.
Dinus, i. 212 *n.*, 258; ii. 33 *n.*
Dionysianum, Contubernium. ii. 249.
Dionysius. *See* Denys; pseudo-, the Areopagite, i. 45.
— Cato. *See* Cato.
Diplovataccius, i. 89.
Discholus, i. 432.
Discipline, ii. 605–28, &c.
Dispensations, i. 435; ii. 447 *sq.*
Dispersion of the University of Paris, i. 337 *sq.*; of Oxford, ii. 349. *See* also Migration, Dissolution.
Disputations, i. 221, 255, 430, 437, 443–48, 453, 466–74; in College and Halls, i. 497 *sq.*; ii. 623, 625, 649 *sq.*, 653 *sq.*, 773.
Dissection. *See* Anatomy.
Dissolution of University, i. 381 *sq.*
Distributiones, i. 404 *n.*
Distributors, at Dole, ii. 189.

Dittrich, ii. 211.
Dix-huit, Collége des, at Paris, i. 484, 514.
Doctor, title of, i. 21–22; position of, at Bologna, i. 160, 166 *sq.*, 197, 239 *sq.*; jurisdiction of, *see* Habita (cf. ii. 554); payment of, i. 207, 210 *sq.* *See* also College of Doctors, Graduation.
Doctor bullatus, ii. 751.
— *legens*, i. 207.
Dogs, keeping of, ii. 671.
d'Oigli, Robert, ii. 325.
Doket, Andrew, ii. 575.
DOLE, University of, ii. 187–191, 656 *n.*
Döllinger, i. 3; ii. 215 *n.*
Dominic, John, ii. 49.
— Saint, i. 346 *sq.* And *see* Dominicans.
Dominicans, i. 307 *n.*, 332, 346, 346 *n. sq.*, 527; ii. 23 *n.*, 66, 82, 159, 251, 375–386, 526 *sq.*, 559, 751.
Dominus, title of, i. 146 *n.*, 207.
Domus pauperum, i. 507 *n.*, 516; ii. 219, 261, 657, 760.
Donatian, Saint, College of, at Louvain, ii. 261.
Donatus, i. 35, 71, 434, 436; ii. 456, 515, 602 *n.*, 603, 604, 702.
Donjon, College of, at Paris, i. 517.
Dormans, College of, at Paris, i. 516.
Dorner, i. 54 *n.*
Dorp, Adam, i. 539 *n.*
Drane, Miss, i. 3.
Dress, academical, i. 196 *sq.*, 202, 439, 445 *n.*, 456 *n.*; ii. 106, 636–44; unacademical, ii. 617 *n.*, 637 *sq.*
Dreux, Radier du, ii. 191.
— Robert de, i. 514.
Drinking customs, i. 410, 467; ii. 686–88. *See* also Sconces, Drunkenness.
Drogheda, proposed University at, ii. 721.
Drogo, ii. 6.
Drunkenness, ii. 613, 618 *sq.*, 676.
Dubarle, i. 271.
Dublin, attempted University of, ii. 719–21; Abp. of, *see* Michael of Tregury.
Dubois, i. 272.
du Boulay. *See* Bulaeus.
du Bourg, ii. 158.
Duboys, ii. 148.
du Breul, i. 272.
Ducale. *See* Collegium.
Du Cange, ii. 147 *n.*
Duchasseint, ii. 204.
Duck, Sir Arthur, i. 90; ii. 511.
Dumbleton, ii. 539 *n.*
Duminy, ii. 145 *n.*
Dunbar, Gavin, Abp. of Glasgow, ii. 305 *n.*
Dunstan, Abp. of Canterbury, ii. 531.
Durand of S. Porçain, ii. 535.
Durandus, ii. 185 *n.*
Durham, University at, ii. 398, 546; Church, City, and Monastery of, ii. 473, 477–78; College of, at Oxford, ii. 475, 477–78, 622 *n.*; Bishops of, *see* Richard le Poor, Nicholas of Farnham, Beck, Richard of Bury, Hatfield, Skirlaw.
Duvernet, i. 478.
Dyer, ii. 543.

E

Earthquake Council, ii. 428.
Eberhard, i. 441.
— Count of Würtemberg, ii. 273.
Échard, i. 345, &c.
Écoiffier, ii. 170.
Écossais, Collége des, at Paris, i. 515.
Edgar, ii. 296 *n.*
Edinburgh, University of, ii. 310.
Edmund, Saint, at Oxford, ii. 353 *n.*, 371 *n.*, 520, 521, 754; Hall of, at Oxford, ii. 468, 478, 762.
— Earl of Cornwall, ii. 479.
Education, Medieval, general review of, ii. 703–09. *See* Table of Contents.
Edward the Elder, King of England, ii. 324.
— I, King of England, ii. 398, 399 *n.*, 460 *n.*, 462 *n.*
— II, King of England, ii. 377, 384 *n.*, 492, 493.
— III, King of England, ii. 368 *n.*, 492, 494, 495, 562.
— IV, King of England, ii. 394 *n.*, 510, 721.
— VI, ii. 518.
— the Black Prince, ii. 179 *n.*
Efisio, ii. 55.
Eglesfield. *See* Robert.
Ehrle, Father, ii. 527 *n.*
Eichstädt, Bp. of, ii. 271, 271 *n.*
Elne, Bp. of, ii. 92.
Elphinston, William, Bp. of Aberdeen, ii. 309, 310.
Ely, Bp. of, his relations with Cambridge, chap. xii. §§ 8, 9, *passim* (*see* also Balsham, Montagu, Alcock, Redman); Archdeacon of, ii. 555, 598; monks of, ii. 546 *n.*; scholars of, ii. 563, 568.
Embleton, ii. 531 *n.*
Emo, i. 8 *n.*
Emperors, their prerogative of founding Universities, i. 10 *sq.*; ii. 22; of granting degrees, ii. 751.
Empire, Byzantine, i. 79, 107–8.
Engelbert, Count of Nassau, ii. 260.
England, Nation of, at Bologna, i. 157 *n.*, 185 *n.*; at Paris, i. 263 *n.*, 319–21, 403,

404 *n.*, 410 *n.*, 444 *n.*, 455 *n.*, 535, 536, 538, 559; ii. 241, 528, 584, 688 *n.*; at Padua and Vercelli, ii. 14, 746; at Angers, ii. 152 *n.*; at Constance, i. 550.
Engleschi, College of, at Padua, ii. 19.
English students, expulsion or migration of, from Paris, ii. 330. *See* England.
Ennen, ii. 251.
Entrant, William, ii. 683.
Epitogium, ii. 639.
Erasmus, ii. 58 *n.*, 464, 479, 480 *n.*, 553 *n.*, 663 *n.*
Erdmann, i. 25, 26, 274 *n.*; ii. 531 *n.*
ERFURT, University of, i. 9 *n.*, 15 *n.*; ii. 242–47, 257, 270, 588, 613 *n.*, 701; S. Mary's Church, at, ii. 246; S. Severus Church, ii. 246.
Essones, i. 417.
Este, Albert, Marquis of, ii. 55.
Estouteville, William d', Cardinal, i. 432, 437, 456, 505, 516; ii. 647.
— Estond d', i. 516.
Estude, College de l', at Toulouse, ii. 169 *n.*
Eton, College and School, ii. 307 *n.*, 513, 562, 571, 573.
Eucharist, doctrine of, i. 40, 46–47, 53; ii. 428 *sq.*
Euclid, i. 243, 250; ii. 240 *n.*, 457, 737.
Euericus. *See* Aristippus.
Eugenius II, Pope, i. 92 *n.*
— IV, Pope, i. 213 *n.*, 552; ii. 38, 156, 192, 194, 198, 257.
Eulalia, Saint, Tour of, at Montpellier, ii. 125.
Eunapius, ii. 659 *n.*
Evangelium Eternum, i. 382 *sq.*, 529; ii. 738–40.
Évêques, trois, Collége des, at Paris, i. 516.
Evesham, Abbot of, ii. 347, 355 *n.*
Evora, Jesuit University of, ii. 101, 102 *n.*
Examinations, private and public, at Bologna, i. 226–29, 247–50; at Louvain (competitive), ii. 262; at Paris, i. 310, 339 *sq.*, 393–96, 426–77, 511 *n.*; ii. 742–44; at Oxford, ii. 441–444; elsewhere, ii. 687. *See* also *jus ubique docendi*.
Exarchate, of Ravenna, i. 107–8.
Exceptiones Petri, i. 105.
Exercitia, ii. 241 *n.*, 278, 649, 654. *See* Disputations.
Exeter, Bp. of. *See* Walter of Stapledon, Neville.
Exeter College, Oxford, ii. 468 *n*, 490–91.
Extraordinary lectures. *See* Lectures.
Extravagants, i. 140, 209.
Eynsham, Abbot and Convent of, ii. 350, 462.
Ezekiel, Abelard's Lectures on, i. 51, 285.
Ezzelino, family of, at Padua, ii. 14.

F

Fabricius, i. 249 *n.*
Fabroni, i. 231 *n.*; ii. 44.
Fabrucci, ii. 44.
Facciolati, i. 187 *n.*; ii. 10, 745.
Faculties, meaning and nature of, i. 8; at Bologna, i. 177, 206 *sq.*, 233 *sq.*, &c.; origin and organization of, at Paris, 316–34, 402–10, &c.; at Oxford, ii. 371 *sq.*, 387; voting by, at Paris, i. 319, 406–09; at Oxford, ii. 381–83, 396, 445 *sq.* *See* also Theology, Law, Medicine, Arts, Logic, Philosophy, Astrology, Surgery, Rhetoric, Grammar, Music.
Faculty, superior, i. 9, 310, 318, 331 *sq.*, 402 *sq.*; ii. 447, &c.
Faminando, L., i. 232 *n.*
Fantuzzi, i. 89; ii. 745.
Farges, Bernard of, Abp. of Narbonne, i. 515.
Faritius, Abbot of Abingdon, ii. 333.
Farrar, Dean of Canterbury, i. 465 *n.*; ii. 535 *n.*
Fasting, ii. 620.
Fattorini, i. 89.
Faucillon, ii. 113.
Fees, University, i. 218, 231, 392, 432, 475–77; for lectures, i. 240–41, and *see* Collecta.
Félibien, i. 272, 478.
Felix, Saint, Monastery of, at Bologna, i. 132.
— V, i. 552; ii. 57 *n.*
— the Senator, ii. 729.
Fellow. *See* Bursar, Socius.
Ferdinand I, King of Naples, ii. 25 *n.*
— II, King of Naples, ii. 24.
— III, King of Castile, ii. 67, 68, 70.
— IV, King of Castile, ii. 75, 83.
— the Catholic, ii. 97.
Feret, the Abbé, i. 273, 450.
Fermo, attempted University of, ii. 723.
FERRARA, University of, i. 179 *n.*, 183 *n.*, 188 *n.*, 218 *n.*, 221 *n.*, 228 *n.*, 425 *n.*; ii. 52, 55–56.
Ferreira, Leitão, ii. 101.
Festine, at Oxford, i. 428 *n.*
Fetcher, ii. 605.
Ffoulkes, ii. 321.
Fibonacci, Leonardo, i. 243; ii. 736–37.
Fichardus, Iohannes, i. 89.
Ficker, i. 91, 107 *n.*, 108 *n.*
Fife, ii. 298.

Figuerola, Orti y, ii. 99.
Filesacus, i. 272, 326 *n.*
Fires, ii. 665 *sq.*
Firmian, Saint, Church of, at Bologna, i. 162.
Fischer, Kuno, ii. 247.
Fitting, i. 90, 91, 101 *n.*, 103, 104 *n.*, 105 *n. sq.*, 117 *n.*, 122 *n.*; ii. 137, 729.
Fitz-ralph, Richard, Abp. of Armagh. *See* Richard.
Fitz-Stephen, ii. 751.
Flach, i. 91, 104, 268 *n.*
Flamma, ii. 728.
Flanders, Nation of, at Bologna, i. 185 *n.*; at Louvain, ii. 260.
Fleming, Richard, Bp. of Lincoln, ii. 509, 510.
Flemish students at Bologna, College for, i. 204.
Fletcher, C. R. L., ii. 321.
— Rev. Dimock, ii. 321.
Fleury, ii. 136.
Flogging. *See* Punishment.
Floranes, D. Rafael de, ii. 65, 82.
FLORENCE, i. 99, 100 *n.*, 244; University of, i. 126 *n.*, 153 *n.*, 160 *n.*, 169 *n.*, 179 *n.*, 184 *n.*, 193 *n.*, 196 *n.*, 213 *n.*, 216 *n.*, 238 *n.*, 246, 249 *n.*, 534 *n.*; ii. 45, 46–52.
— Inquisition at, i. 244.
— Council of, ii. 58.
Florentine Codex at Pisa, i. 255.
Flos Medicinae, i. 82.
Flotte, Pierre, ii. 165.
Foix, Cardinal de, his College at Toulouse, ii. 169, 665 *n.*
Fools, Feast of, ii. 611.
Forest, John, Dean of Wells, ii. 510.
Forlì, ii. 14, 20.
Forma, for a degree, ii. 447 *n.*, 456 *n.*, 757–58.
Formagliari, i. 89.
Fornasini, i. 90.
Fortet, College of, at Paris, i. 516.
Fortunato de S. Bŏaventura, ii. 101 *n.*
Fortunatus, Venantius, i. 107 *n.*
Fouarre, Rue du (*Vicus Stramineus*), at Paris, i. 342, 447, 456, 499–501, 510, 511.
Fougères, College of, at Angers, ii. 157.
Founder's Kin, privileges of, ii. 482, 486, 515.
Fournier, Paul, i. 413 *n.*
— Marcel, i. 272; ii. 90, 111, 136, 137 *n.*, 146 *n.*, 170, 181, 200, 204, 724, 740.
France, Education in, i. 27–72, 95.
— Nation of, at Angers, ii. 155; Bologna, i. 157 *n.*; Bourges, ii. 205; Orleans, ii. 146; Padua and Vercelli, ii. 14, 746 *sq.*; Paris, i. 319–321, 403, 405; ii. 584, *et passim*; Poitiers, ii. 192; students from, in England, ii. 519 *n.*, 565.
France, Universities of, ii. 109–208, and *see* Paris.
Franche-Comté, i. 385; Universities in, *see* Dole, Gray, Besançon.
Francis, Saint, of Assisi, i. 346, 383. *See* Franciscans.
— of Carrara, ii. 18, 20.
— de l'Hôpital, i. 515.
— II, Duke of Brittany, ii. 202.
Franciscans, i. 263 *n.*, 346 *sq.*, 368, 528 *sq.*; ii. 376, 526 *sq.*, 559, 739.
Franciscus Accursius, i. 211 *n.*
Frankfurt, University of, ii. 280 *n.*, 723.
Franklin, i. 478.
Franks, i. 96.
Frati, i. 89, 90, 171 *n.*
Fraticelli, i. 529; ii. 537, 740.
Frauenburg, ii. 660 *n.*
Frederick I (Barbarossa), Emperor, i. 145 *sq.*, 182 *sq.*, 259, 292; ii. 23, 753.
— II, Emperor, i. 10, 83, 84, 173, 237 *n.*, 243, 359 *n.*; ii. 11, 22, 31, 114, 233.
— III, Emperor, ii. 251 *n.*, 266 *n.*, 270, 723.
— Duke of Austria, ii. 44, 656 *n.*
FREIBURG im Breisgau, University of, i. 441 *n.*, 442 *n.*, 458 *n.*; ii. 268–69, 588.
French, study of, at Oxford, ii. 459; at Cambridge, ii. 565.
Freshmen. *See* Bejaunus.
Friars. *See* Mendicants.
— of Blessed Mary, ii. 559.
Frideswyde, Saint, Priory at Oxford, ii. 323 *sq.*, 327 *n.*, 344, 350, 428, 429, 462 *n.*, 545, 755.
Friedberg, i. 128 *sq.*
Fromagerie, College of, at Angers, ii. 157.
Front, Saint, College of. *See* Périgord.
Fuente. *See* de la Fuente.
Fulbert of Chartres, ii. 148.
Fulda, i. 275.
Fuller, Thos., ii. 543.
Fünfkirchen, University of, ii. 286–87.
Furniture of students' rooms, ii. 667 *sq.*
Furnivall, ii. 600 *n.*
Fuscararius, Aegidius, i. 138 *n.*

G

Gaddesden, John, ii. 375 *n.*
Gaetano of Tiena, i. 265 *n.*
Gaggi, i. 90.
Gaillac, Schools of, i. 17 *n.*; ii. 727.
Galbert, Abp. of Arles, ii. 169.
Galeazzo. *See* Visconti.
Galen, i. 78, 84 *n.*, 244, 247, 429; ii. 115 *n.*, 117, 123, 124, 135 *n.*, 455, 780–85.

Galeranus, Nicolaus, i. 515.
Galfridus de Vino, i. 442.
Galileo, i. 243 *n.*, 266.
Galindo, Doña Beatrix, ii. 79.
Gallia Cisalpina, i. 97 *n.*
Gallicanism, i. 392, 426 *n.*, 532, 534 *n.*, 542, 550, 554 *sq.*; ii. 164.
Galvani, i. 266.
Gambling, i. 195, 462; ii. 670 *sq.*; on altars, ii. 690.
Gandavensis. *See* Henry of Ghent.
Gandulph, i. 137.
Garlopontus, i. 78.
Garland, John of. *See* John.
Garsias, Spanish Canonist, i. 212.
Gascoigne, Thomas, ii. 447 *n.*, 581.
Gascony, i. 281 *n.*; Nation of, at Bologna, i. 157 *n.*, 185 *n.*
Gatien-Arnoult, ii. 138, 157.
Gatti, ii. 53.
Gaul. *See* France.
Gaullieur, ii. 198.
Gautier, Vidal, College of, at Toulouse, ii. 168.
Gebhart, ii. 739.
Geffroy, i. 478.
Gelasius I, Pope, i. 46.
— II, Pope, i. 120.
Générales des Aides, i. 421 *sq.*
Geneva, attempted University of, ii. 722.
Geneviève, Saint, Abbey of, at Paris, i. 50–51, 64, 110, 276, 278–79, 291, 341–42, 394, 402, 444 *n.*; ii. 137 *n.*
— Chancellor of, *see* Chancellor: Examination of, *see* Chancellor.
Gentilis, ii. 42.
Geoffrey Plantagenet, Bp.-elect of Lincoln, ii. 344 *n.*
— of Poitou, i. 338 *n.*
George, Saint, College of, at Oxford, ii. 480.
Gerard of Cremona, i. 249, 250, 358; ii. 781 *sq.*
Gerbert, Pope, i. 243 *n.*
Geremei, i. 154.
Gerhard, Bp. of Schwarzburg, ii. 253.
Germain, ii. 113.
Germain-des-Prés, Abbey of, at Paris, i. 277, 338, 397, 488 *n.*; ii. 678.
German, Saint, Benefice of, at Paris, i. 401 *n.*; Hospital of, at Aberdeen, ii. 309.
Germans, *see* Germany.
Germany, education in, i. 95; ii. 212; Germans, and their Nation, at Bologna, i. 151 *n.*, 154 *n.*, 158 *sq.*, 161 *sq.*, 185, 196 *n.*; ii. 604, 656 *n.*; at Paris, i. 321 *n.*, 410, 455 *n.*, 550, 559; ii. 212, *see* also England; at Padua and Vercelli, ii. 14 *n.*, 17, 748; ii. 212; at Orleans, ii. 146; at Bourges, ii. 205; in foreign Universities, ii. 212; College of, at Paris, i. 515, 516.
Germany, Universities of, i. 440, 443, 459–62; ii. 209–80.
Gersdorf, ii. 254.
Gerson, John, i. 451 *n.*, 523, 538, 541, 545, 548, 551; ii. 132 *n.*
— Levi ben, i. 353 *n.*
Gervais, Maître, College of, at Paris, i. 442 *n.*, 516.
Geusau, ii. 232.
Geylhausen, Conrad of, ii. 249.
Gherardi, ii. 46.
Ghibelins, i. 153, 217, 258.
Ghini, i. 515.
Ghirardacci, i. 90, 154 *n.*; ii. 745.
Gibbon, i. 99 *n.*; ii. 515.
Giesebrecht, i. 91, 103.
Gieseler, i. 26, 47 *n.*
Gietl, i. 137 *n.*
Giffard, John, Lord of Brimsfield, ii. 477.
Gigli, ii. 31.
Gilbert de la Porrée, i. 51 *n.*, 61, 64, 366, 435, 436.
Gildas de Rhuys, Saint, Monastery of, i. 52, 64.
Giles de Montaigu, i. 436.
Giraldus Cambrensis, i. 69 *n.*, 279 *n.*, 281 *n.*, 295 *n.*, 322, 325 *n.*, 354 *n.*; ii. 338 *n.*, 341, 346, 753.
Gladstone, Right Hon. W. E., ii. 321.
GLASGOW, University of, ii. 304–308, 312 *n.*, 315; Abp. of, ii. 305 *n.*; Archdeacon of, ii. 298.
Glomerellus, ii. 555 *n.*
Glomeriaus, ii. 138 *n.* *See* Glomery.
Glomery, Master of, ii. 555, 598.
Gloria, i. 76 *n.*; ii. 10, 14 *n.*
Gloss, i. 220, 256 *sq.*; of Irnerius, i. 114 *sq.*; 122 *n.*; Accursian, i. 256 *sq.*
Glossa Ordinaria, i. 51 *n.*
Glossators, i. 114 *n.*, 121, 126, 255–59, 268 *n.* *See* also Irnerius.
Glottia, ii. 305 *n.*
Gloucester, Monastery of S. Peter at, ii. 477.
— College or Hall, at Oxford, ii. 476–77, 478.
— Duke of, ii. 460, 463, 464, 745.
— Earl of, ii. 482 *n.*
Gnesen, ii. 17.
God's House, Cambridge, i. 513 *n.*; ii. 570–72.
Godstow, ii. 411.
Gölnitz, ii. 183, 260 *n.*
Gondisalvi, Dominic, Archdeacon of Toledo, i. 353.
Gonville Hall or College, Cambridge, ii. 566–67.
— Edmund, ii. 567.

Gordon, Bernard de, ii. 132.
Gospel, Everlasting. See *Evangelium*.
Goths, i. 96: see also Breviarium, Visi goths.
Goulet, i. 271, 340 *n.*; ii. 611 *n.*, 673 *n.*
Governor. *See* Gubernator.
Gowns. *See* Dress, Academical.
Goyon, ii. 136.
Gozzadini, Battisia, ii. 745.
Grace for degrees, ii. 447 *sq.*-507 *sq.*
Graciosus, i. 471 *n.*; ii. 262.
Graduation, at Bologna, i. 225-232, 237, 248; at Salerno, i. 84; at Paris, i. 284-94, 442-53; at Oxford, ii. 440-58. *See* also Bachelor, Examination, Licentia docendi, Inception.
Graetz, i. 353 *n.*
Grævius, ii. 10.
Grammar, i. 35, 65, 71, 94, 103, 107 *n.*, 234, 238, 242, 291, 433-37; ii. 138, 455, 458, 486, 514, 515, 570 *sq.* (*see* also Classics); graduation in, i. 240 *sq.*; ii. 241, 458, 555, 599, 600.
Grammar-schools, i. 485; ii. 597-604, 609.
Grammaye, ii. 259.
Grandmaison, ii. 204.
Grant, Sir Alexander, ii. 295, 309.
Gratia Aretinus, Archdeacon of Bologna, i. 223.
Gratian, and his *Decretum*, i. 116, 120 *n.*, 128-139, 209, 291, 426; ii. 453 *sq.*
Graux, ii. 69.
Gray, attempted University at, ii. 188, 719.
Gréard, i. 478.
Grecismus, i. 442 *n.*; ii. 240 *n.* *See* Eberhard.
Greek, lectures on, at Florence, ii. 49; at Bologna, ii. 30; at Montpellier, ii. 135; at Padua, ii. 20 *n.*; at Paris, ii. 30; at Rome, ii. 30; at Salamanca, ii. 30; at Oxford, ii. 30, 459 *n.* (*see* also Grossetête).
— language, survival of, in S. Italy, i. 79. *See* Medicine, Aristotle.
Green, J. R., ii. 326 *n.*
Grégoire. *See* Gregory.
— l'Anglais, Bp. of Séez, i. 517.
Gregory Nazianzen, i. 288 *n.*
— VII, Pope, i. 106 *n.*, 107 *n.*, 131, 519, 547; ii. 114.
— VIII (Antipope), i. 120.
— IX, Pope, i. 10, 139, 312, 316 *n.*, 337, 340, 341, 358, 479 *n.*; ii. 139, 159, 163, 547, 741; his Decretals, i. 139, 209; ii. 172 *n.*, 453, 647 *n.*
— X, ii. 24 *n.*
— XI, Pope, founds Coll. Gregorianum at Bologna, i. 200: 392 *n.*; ii. 173, 722, 727.
— XII, ii. 34, 225.
Gregory XIII, i. 140 *n.*
GREIFSWALD, University of, i. 439 *n.*, 459 *n.*; ii. 264-67, 552, 588, 612 *n.*, 629 *n.*, 640 *n.*, 654 *n.*, 656 *n.*
GRENOBLE, University of, ii. 181, 201.
Gretschel, ii. 254.
Griffiths, ii. 321.
Grimouard, Cardinal Angelico, ii. 131.
Grocyn, ii. 464, 515.
Gross, i. 158, 302 *n.*
Grossetête, Robert, Bp. of Lincoln, i. 359 *n.*; ii. 333 *n.*, 350, 355, 362, 377, 392, 412 *n.*, 521, 522, 525, 540 *n.*
Grotto dell' Ero, ii. 10.
Grymbold, ii. 322 *n.*
Guala, Cardinal Legate, i. 305 *n.*
Guarini, ii. 55.
Guarinus of Verona, ii. 55, 603 *n.*
Guarnerius. *See* Irnerius.
Gubernatores of a College, i. 213 *n.*, 490, 493, &c.
Guelders, Duke of, ii. 151 *n.*
Guelphs, i. 153, 216 *n.*, 258.
Guérard, i. 272.
Guglielmo. *See* William.
Gui d'Harcourt, Bp. of Lisieux, i. 516.
Guibertus de Novigento, i. 8 *n.*, 32 *n.*
Guido, Bp. of Acqui, i. 109.
— of Arezzo, i. 243.
— of Bazoches, i. 279 *n.*, 290 *n.*
— Suzarino, i. 213 *n.*
— Papal Legate (in 1267), ii. 602 *n.*
Guidotto of Bologna, i. 249.
Guienne, College of, at Bordeaux, ii. 199.
Guilds, relation or resemblance of Universities to, i. 7, 17, 18, 153-55, 159 *sq.*, 162, 163, 165, 230, 284 *sq.*, 288 *sq.*, 301, 503; ii. 61 *n.*; of students (distinct from Universities), ii. 177, 633-35, 752; of Doctors and wives, ii. 178.
Guildinus de Patralata, i. 212 *n.*
Guillelmus. *See* William.
Guillems, family of the, ii. 114, 118.
— de Hostialio, ii 746.
Guiraud, ii. 113.
Gulielmus, Raymundus, ii. 746.
Gulielmus. *See* William.
Gunning, ii. 544.
Gutch, ii. 319.
Gynwell, Bp. of Lincoln, ii. 426.

H

Habita, the Authentic, i. 145, 182 *sq.*
Haeser, i. 75, 86.
Hagelgans, i. 3.
Hagenbach, i. 25.
Hahn, Ludwig, ii. 111.
Haitz. *See* de Haitz.
Halls, i. 479-81; ii. 464-68, 518, 557 *n.*, 558, 559, 605-9, 624-27, 760-63,

767-80. *See* Hospitium, Paedagogium.
Halmagrand, i. 272.
Haly ben Rodoan, i. 250; ii. 781.
Hamilton, Sir William, i. 3; ii. 262 *n.*
— the first Lord, ii. 304.
Hampden, Bp. of Hereford, i. 25.
Hanneron, Dr. Antonius, ii. 261.
Hanse towns, ii. 256–57.
Hapsburg, House of, ii. 233.
Harcourt, College of, at Paris, i. 417 *n.*, 496, 515; ii. 506, 616 *n.*, 661.
— Gui de, Bp. of Lisieux, i. 516.
— Raoul de, Archdeacon of Coutances, i. 515.
Harding, Stephen, Abbot of Cîteaux, i. 276.
Hardwick, Archdeacon, ii. 577 *n.*
Hare, Robert, ii. 322.
Hart Hall, Oxford, ii. 468 *n.*, 491, 500, 607 *n.*
Hartzheim, ii. 251.
Hatch, Dr., i. 287 *n.*; ii. 327 *n.*, 659 *n.*
Hatfield, Bp. *See* Thomas.
Haug, Dean of, ii. 253.
Hauréau, i. 25, 26, 37 *n.*, 44, 249 *n.*, 273 *n.*; ii. 531 *n.*
Hautz, ii. 247.
Hawking, ii. 671, 675.
Hearne, Thomas, ii. 319, 543.
Hebrew, study of. *See* Oriental languages.
Hedvig, Queen of Poland, ii. 219.
Hegel, i. 353 *n.*, 356 *n.*
— Karl, ii. 735.
Hegesippus, i. 65 *n.*
HEIDELBERG, University of, i. 428 *n.*, 440 *n.*, 441 *n.*, 473 *n.*, 474 *n.*, 477 *n.*; ii. 226, 247–50, 252, 268, 588, 613 *n.*, 627, 637, 643 *n.*, 649 *n.*, 670 *n.*, 671, 687 *n.*
Heiricus of Auxerre, i. 274 *n.*
Heisterbachensis, Cæsar, ii. 115 *n.*
Helena, Lucretia Cornelia, daughter of Jo. Baptist. Marcianus, ii. 745.
Helias, Dominican Friar, i. 380 *n.*
Helinandus, i. 275 *n.*
Heloissa, i. 52, 63 *n.*
Hemeræus, i. 271, 305 *n.*, 478.
Henricus. *See* Henry.
Henricy, ii. 184.
Henry II, King of England, i. 131, 295; ii. 329, 546.
— III, King of England, i. 337; ii. 369, 375 *n.*, 392, 418, 546 *n.*, 730, 752.
— IV, King of England, ii. 409.
— V, King of England, ii. 466.
— VI, King of England, ii. 194, 198, 510, 511, 562, 572, 573, 575.
— VII, King of England, ii. 573, 721.
Henry VIII, King of England, ii. 516, 562, 563, 573, 658 *n.*
—IV, Emperor, i. 107 *n.*, 117, 121 *n.*, 131.
— V, Emperor, i. 118, 121 *n.*
— III, King of Castile, ii. 77.
— IV, King of France, i. 553.
— Prince, the Navigator, ii. 105 *n.*
— of Blois, Bp. of Winchester, ii. 336.
— of Ghent, ii. 529.
— of Houterle, ii. 261.
— de Jacea, Archdeacon and Bp.-elect of Liège, i. 296.
— of Langenstein, ii. 237.
— of Lexington, ii. 419, 420.
— de Seguvio. *See* Hostiensis.
— de Stancio, ii. 746.
Henschel, i. 75, 77, 80.
Henson, Rev. H. H., ii. 397 *n.*
Herbst, ii. 211.
Hermann the German, i. 358.
Hermiannus, ii. 730.
Hertford College, Oxford, i. 513 *n.*; ii. 343 *n.*, 468 *n.*, 491, 607 *n.*
Hervey, Lord Francis, ii. 555 *n.*
— de Stanton, ii. 563.
Heumannus, i. 3.
Heytisbury, i. 249 *n.*, 441 *n.*
Heywood, ii. 572.
Higden, Ralph, ii. 323.
Hildebert of Le Mans (Cenomanensis), i. 65 *n.*
Hildebrand. *See* Gregory VII.
Hilduin, Abbot of S. Nicolas, near Angers, ii. 148 *n.*
Hindoos, mathematics of the, i. 243.
Hippocrates, i. 78, 79, 81, 84 *n.*, 131, 244, 247, 430; ii. 115 *n.*, 117, 123, 124, 135, 455, 781 *sq.*
Hobhouse, Edmund, Bp. of Nelson, ii. 481, 657 *n.*
Höfler, ii. 211.
Hofmeister, ii. 256.
Hohenstaufen, i. 97.
Hokenorton. *See* Eynsham, Abbot of.
Holcot, Robert, i. 537 *n.*
Holidays, i. 221; ii. 449, 673–74.
Holland, Prof. T. E., ii. 40, 321, 337 *n.*, 753, 790.
Holland, Nation of, at Louvain, ii. 260.
Holte, John, ii. 514 *n.*
Holy Ghost, College of, at Louvain, ii. 261.
Holywell, Oxford, ii. 377, 486 *n.*
Holywood. *See* John of Holywood.
Homburg, Gerlach von, ii. 249.
Homer, lectures on, ii. 49.
Honain. *See* Johannicius.
Honoré, Saint, College of good children of, at Paris, i. 485, 514.
Honorius I, Pope, ii. 550.
— II, Pope, i. 133.

Honorius III, Pope, i. 11 *n.*, 157 *n.*, 159 *n.*, 160 *n.*, 172 *sq.*, 206 *n.*, 223–225, 235 *n.*, 260, 312, 323, 325 *n.*, 348 *n.*, 431, 457 *n.*; ii. 28, 29, 67, 139, 159, 731–34, 740, 741, 754–56.
Honours in Examinations, i. 451.
Hood, ii. 640 *sq.* *See* Dress, Academical.
Hôpital, Francis de l', i. 515.
Hormayr, ii. 232.
Hospicia of Students, i. 296, 479 *sq.*; ii. 147–48, 557 *n.*, 558, 607–609. *See* also Halls, Paedagogium, Taxation.
Hospites, i. 491, 496.
Hostiensis (i.e. Henricus de Segusio), i. 8 *n.*, 115 *n.*, 212 *n.*
Hôtel-Dieu, at Paris, i. 483.
Houssia, ii. 638.
Houterle, Henry of, ii. 261.
Hoveden, i. 274 *n.*
Hubant, College of, i. 512, 516.
Hüber, ii. 320, 322, 340 *n.*
Hubert of Vendôme, ii. 148 *n.*
Hucbald, i. 276.
Huesca, University of, ii. 91, 92–94.
— Ramon de, ii. 92.
Huet, ii. 194.
Hugh (or Hugo), Magister, at Oxford, ii. 754.
— d'Arci, Bp. of Laon, i. 516.
— of Darlington, Prior of Durham, ii. 477.
— of Lucca, i. 235.
— of S. Victor, i. 278.
— of S. Cher, i. 374 *n.*, 385.
— of Pélegry, ii. 180 *n.*
— of Sutton, ii. 381.
— Saint, of Lincoln, ii. 462 *n.*
— Canon of Bologna, i. 111.
— one of the 'four Doctors,' i. 120 *n.*, 259.
— Abp. of Palermo, ii. 744.
Hugolinus, i. 209 *n.*, 255.
Huillard-Bréholles, ii. 22.
Hulton, ii. 320.
Humanism. *See* Classics, Renaissance.
Humbert II, Count of the Viennois, ii. 181.
— Dominican General, i. 381 *n.*, 386, 387 *n.*
Humorism, i. 78.
Humphrey, Duke. *See* Gloucester.
Hungary, Nation of, at Vienna, ii. 234, 239; at Bologna, i. 157 *n.*, 185 *n.*; Universities of, ii. 286–90.
Hunting, ii. 669.
Hus, John, i. 385, 540; ii. 220, 223, 224, 226, 228, 433 *n.*, 540, 542 *n.*, 700.
Hussite Wars, ii. 254.
Hustings, Court of, at Oxford, ii. 401 *n.*

I

Iginulfus, legis Doctor, i. 113 *n.*
Ildefonso, San, College of. *See* Alcalá.
Illuminatores, i. 417.
Imola, migration from Bologna to, ii. 16, 33, 47, 736.
Impositions, ii. 615.
Impositor in a Hall, ii. 778.
Inception, i. 52, 84, 148, 150, 228 *sq.*, 284–89, 306–7, 371 *sq.*, 375, 452, 453, 473–77; ii. 445 *sq.*, 452–58; in Grammar, ii. 599, 600.
Informator, ii. 514, 515 *n.*
Infortiatum, i. 122, 208. *See* Justinian.
INGOLSTADT, University of, i. 417 *n.*, 439 *n.*, 442 *n.*, 459 *n.*, 468, 474 *n.*; ii. 271–72, 587 *n.*, 589, 612, 628 *n.*, 649 *n.*, 654 *n.*, 658 *n.*, 674 *n.*, 687 *n.*, 688 *n.*
Ingram, ii. 320.
Ingulf, ii. 322, 545.
Initiation of students, i. 286–87; ii. 628–36. *See* Bejaunus.
Innes, Cosmo, ii. 304, 306 *n.*, 309.
Innocent III, Pope, i. 53 *n.*, 295 *n.*, 300–5, 309, 313, 317 *n.*, 379, 457 *n.*, 486, 519; ii. 348.
— IV, Pope, i. 10, 17 *n.*, 294 *n.*, 340 *n.*, 343, 380, 486; ii. 28, 31, 36, 100, 163, 168, 354, 367, 419, 640 *n.*, 724.
— VI, Pope, i. 252; ii. 80, 163, 169, 427 *n.*, 740.
— VII, Pope, ii. 38 *n.*
— VIII, Pope, ii. 98, 173, 268 *n.*
Innocents' Day at Paris, ii. 635.
Inns of Court, i. 255 *n.*, 260, 308, 381; ii. 465 *n.*
Inquisition, the Holy, i. 244, 361, 526; ii. 161 *sq.*
Inquisitions, general, at Oxford, ii. 412 *sq.*
Interdict, academic, i. 181 *sq.*
Intrans, i. 455 *n.* *See* also (for another sense) Intrant.
Intrant, i. 397, 455 *n.*; ii. 305.
Investitures, contest about, i. 132.
Irish scholars at Oxford, ii. 362, 368; expelled from Universities, ii. 416; College of, at Salamanca, ii. 81 *n.*
Irnerius, i. 95, 99 *n.*, 102–5, 108, 109, 111–27, 215, 219, 322; ii. 124.
Isaac, Jewish physician, i. 429; ii. 123, 455, 781 *sq.*
Isabella the Catholic, ii. 79.
Isidore of Seville, i. 35 *n.*
Islip, Simon, Abp. of Canterbury, ii. 426, 498, 499 *n.*
Isnard, Jean, ii. 177.
Istropolis, ii. 290 *n.* *See* Poszony.

Italy, Universities of, ii. 1–61 : and *see* Bologna; Education in, i. 91 *sq.*; Nation of, at Padua and Vercelli, ii. 14, 746 *sq.*
Itterus, i. 3.
Ivo, Saint, College of, at Louvain, ii. 261.
— Bp. of Chartres, i. 122 *n.*, 129.

J

Jacobs, John, i. 204.
Jacobus, one of the 'four Doctors,' i. 120 *n.*, 259. *See* James.
Jacques, Saint, Place, at Paris, i. 324; Hospital of, i. 370.
Jacques. *See* James.
Jaillot, i. 272.
James I, of Aragon, ii. 96, 100, 119 *n.*, 130.
— II, of Aragon, ii. 86, 92, 100.
— I, King of Scotland, ii. 298.
— IV, King of Scotland, ii. 309.
— VI, King of Scotland (I of England), ii. 303, 305, 462.
— de Arquado, ii. 19.
— de Beauvoir (de Belviso or Bellovisu), i. 16 *n.*; ii. 42, 185.
— Britonoriensis, i. 235 *n.*
— of Carrara, ii. 20 *n.*
— de Mandra, ii. 6, 736.
— de Revigny, ii. 141 *n.*
— de Vitry, ii. 690, 691.
— of Sirck, Abp. of Trèves, ii. 264.
— of Venice, i. 61, 350.
Jansen, ii. 263.
Jardo, Domingos, Bp. of Evora and Lisbon, ii. 102 *n.*
Jason, i. 258.
Jeaffreson, ii. 320.
Jean. *See* John.
Jentaculum, ii. 653.
Jerome, Saint, College at Dole, ii. 190.
Jerónimo, San, ii. 97.
Jesuits, i. 64, 363, 554; ii. 107 *n.*, 159.
Jesus College, Cambridge, ii. 577–78.
Jews, i. 85, 352 *sq.*; ii. 22 *n.*, 249, 376, 639 *n.*, 660 *n.*
— at Oxford, ii. 31 *n.*, 326 *n.*, 350, 369, 393, 394 *n.*
Joachim, Abbot of Flora, i. 382 *sq.*, 529; ii. 738–39.
Joachimism, i. 529; ii. 739.
Joan of Arc, i. 524; ii. 197.
Joanna II, Queen of Naples and Navarre, i. 491, 515.
— of Burgundy, i. 515.
Jocius of London, i. 483, 514.
Johannes. *See* John.
Johannicius (Honain ben Isaac), i. 430; ii. 123, 780 *sq.*
John, Saint, en Vallée, Convent of, i. 516.
— Saint, the Evangelist, College of, at S. Andrews, ii. 300 *n.*; at Cambridge, ii. 559, 664.
— the Baptist, Hospital of, at Oxford, ii. 513.
— XXI, Pope (Petrus Hispanus), i. 441; ii. 97.
— XXII, Pope, i. 529 *sq.*, 533; ii. 38 *n.*, 41, 72 *n.*, 145, 179, 384, 551, 727.
— XXIII, Pope, i. 547, 549; ii. 8, 57, 173, 202, 434.
— King of England, ii. 348–49.
— King of France, ii. 130 *n.*
— King of Castile, ii. 77.
— I, King of Aragon, ii. 90.
— II, King of Aragon, ii. 93.
— Duke of Brittany, ii. 202.
— III, Duke of Mecklenburg, ii. 256.
— IV, Duke of Brabant, ii. 260.
— Andreae, i. 176; ii. 42, 53.
— of Baconthorp, i. 263 *n.*, 349 *n.*; ii. 539 *n.*
— of Balliol, ii. 472.
— de Barastre, i. 370 *n.*
— of Basingstoke, i. 359 *n.*
— de Blandy, i. 436.
— Buridan. *See* Buridan.
— Cicero, Margrave of Brandenburg, ii. 723.
— of Cremona, i. 120 *n.*
— of Damascus, i. 41 *n.*
— of Dunwich (Cambridge), ii. 550.
— of Egloffstein, ii. 253.
— de Finotis, ii. 55.
— of Garland, ii. 160, 161, 643 *n.*
— of Guignecourt, i. 560.
— of Holywood (de Sacrobosco), i. 437 *n.*, 442; ii. 456, 526 *n.*
— of Jandun, ii. 540 *n.*
— de la Celle (de Cella), i. 293 *sq.*; ii. 357.
— de la Rochelle, i. 363.
— de Lignano, ii. 745.
— London, ii. 363 *n.*, 526 *n.*
— of Linières, i. 250.
— de Matha, i. 402 *n.*
— de Muris, i. 443 *n.*
— de Petit-Pont, i. 290 *n.*
— of Parma, i. 383; ii. 739.
— of Pavilly, i. 522.
— of Pisa. *See* Peckham, Abp.
— de Sacrobosco. *See* John of Holywood.
— of Salisbury, i. 25, 64–67, 69, 110, 290, 294, 350, 540; ii. 115, 329, 332 *n.*, 643 *n.*
— Scotus Erigena, i. 39–40, 45–47, 273, 357.

John of S. Giles, i. 371.
— of S. Victor, i. 317 *n.*
— Wesel, ii. 246.
Joly, i. 25.
Jordan of Saxony, i. 345, 348; ii. 11 *n.*, 13, 26, 376 *n.*
Jordanus, i. 4 *n.*, 370 *n.*
Josselin, ii. 569.
Jourdain, Amable, i. 25.
— Charles Bréchillet, i. 25, 34 *n.*, 272, 298 *n.*, 309 *n.*, 478, 524 *n.*
Jowett, ii. 439 *n.*, 786.
Jubilee, at Paris, i. 469 *sq.*; of a Professor, ii. 85.
Judex Ordinarius, i. 306, 395.
Jujon, College of, at Avignon, ii. 177.
Julian, Emperor, Palace of, i. 489.
Julien-le-Pauvre, Saint, Church of, i. 402, 405. 451, 509.
Julius II, Pope, ii. 176, 475, 723, 726.
Jury of compurgators, ii. 417.
Jus non trahi extra, i. 343.
Jus ubique (or *ubicunque*) *docendi*, i. 10–17, 396; ii. 551 *n.*, &c.
Justice, College of, at Paris, i. 516.
Justiciarius Scholarium, ii. 24.
Justin Martyr, i. 46.
Justinian, i. 79 *n.*, 116, 146, 288 *n.*; Pandects of, i. 99 *sq.*, 113 *sq.*, 122 *sq.*, 208–209; ii. 454; Institutes of, i. 100, 112 *n*, 123, 208; ii. 454; Code of, i. 100, 123, 208–209.
Justiniani at Angers, ii. 156.

K

Kammin, ii. 265.
— Bp. of, ii. 266.
Kampschulte, ii. 242.
Kariore, Mauritius, ii. 413.
Kaufmann, Prof. Georg, i. 4, 13-15, 17 *n.*, 147 *n.*, 209 *n.*, 213 *n.*, 222 *n.*, 229 *n.*, 256 *n.*, 280 *n.*, 299 *n.*, 314 *n.*, 389 *n.*; ii. 32 *n.*, 53 *n.*, 211, 244 *n.*, 263, 610 *n.*, 707 *n.*, 723, 725, 726.
Kay. *See* Caius.
Kennedy, ii. 309.
— James, Bp. of S. Andrews, ii. 300.
Kerambert, College of, at Paris, i. 517.
Keussen, ii. 251.
Kilner, ii. 481, 483 *n.*
Kilwardby, Bp., ii. 425, 527, 530.
King's College, Cambridge, ii. 572–74, 649 *n.*, 667; King's Hall, Cambridge, ii. 561–62, 640 *n.*; King's College, Aberdeen, ii. 309.
Kink, i. 289 *n.*; ii. 232.
Knighthood, Inception compared to, i. 229 *sq.*, 288; conferred on Doctors, i. 230 *n.*
Kollar, i. 473 *n.*; ii. 233.
Koppmann, ii. 256.
Kosegarten, ii. 264, &c.
Krabbe, ii. 256.
Kraus, ii. 268.
Krause, ii. 256.
Kreussler, ii. 254.
Kühnholtz, ii. 113.
Kulm, attempted University at, ii. 722.
Kymer, Gilbert, ii. 625.

L

Laborlière, ii. 191.
Lacoste, ii. 179.
Ladislaus of Naples, ii. 186, 228.
— Jagellow, King of Poland, ii. 284–86.
— III, King of Hungary, ii. 286.
Lafaille, de, ii. 157.
Lambert. *See* Honorius II.
Lambertazzi, i. 154, 216 *n.*; ii. 16.
Landshut, University at, ii. 272.
Lanfranc, i. 46.
Lang, Andrew, ii. 295, 321.
Langbaine, ii. 319, 543.
Langham, Simon, Abp. of Canterbury, ii. 499.
Langton, Stephen, i. 311 *n.*, 318, 457 *n.*
Languedoc, ii. 159 *sq.*
Laon, College of, at Paris, i. 494 *n.*, 515; ii. 5, 604 *n.*, 662 *n.*
Lappenberg, ii. 322 *n.*
Lascaris, ii. 25 *n.*
Lasius, ii. 256.
Laste, ii. 10.
Lateran, Counts of the, i. 159 *n.*
Latin, lectures given in, ii. 594: spoken in College and Hall, ii. 627; quality of Medieval, ii. 595 *sq.* *See* Classics, Grammar.
— Quarter at Vienna, ii. 236.
Lator rotuli, i. 490.
Launoi, i. 3, 272, 478; ii. 627 *n.*
Laurie, Prof., i. 4, 81 *n.*, 453 *n.*; ii. 326 *n.*
Laval, ii. 170.
Law, Canon, i. 102, 128–43, 148, 149, 261–62, 431–32; in England, i. 140–41; ii. 453–54; at Paris, i. 322–25, 449 *sq.*, 469, 492.
— Civil, forbidden at Paris, i. 8, 323, 431; ii. 139; study of, before Irnerius, i. 91–113; ii. 729–31, 735; at Bologna, i. 9–127, 144–232, 254–61, 267; at Montpellier, ii. 124–29, 133; at Prague, ii. 214 *sq.*; relations to Canon Law, i. 132 *sq.*; at Oxford, ii. 335 *sq.*, 347 *sq.*, 371 *sq.*, 375 *n.*, 454, 459, 753; (*see* also Bologna, Orleans, Angers, &c.); Abelard's study of, i. 63; forbidden

to Priests, i. 323; attitude of Church towards, i. 323; ii. 740–41.
Law, Personal, i. 153.
Lawrence, Brother, of Warwick, ii. 382 *n.*
Lea, i. 521 *n.*, 524 *n.*, 526 *n.*, 529 *n.*
Lebeuf, i. 478.
Leclerc, i. 75, 85 *n.*; ii. 780 *sq.*
Le Cloutier, founder of College at Caen, ii. 196.
Lecture-rooms, i. 219, 400, 401, 509 *sq.*; ii. 461–64.
Lectures, Ordinary and Extraordinary, cursory, i. 207 *sq.*, 211, 213 *n.*, 215, 218 *sq.*, 426 *n.*, 427, and chap. v. *passim*; ii. 515 *sq.*, 772; manner of, i. 219 *sq.*; hours of, i. 218 *sq.*; ii. 92 *n.*, 648–54; language of, i. 419; in Colleges, i. 498 *sq.*, 502, 507 *sq.*; ii. 449, 456, 515, 516, 649 *sq.*
Leech, John, Abp. of Dublin, ii. 719.
Legate, Papal, interference of, i. 319, 336–38, 419 *sq.*
Legatine Ordinance at Oxford, ii. 349, 360.
Legible Days, i. 403.
Legnano, Battle of, i. 98.
Leicester, Earl of, ii. 440 *n.*, 468, 607 *n.*
LEIPSIC, University of, i. 440 *n.*, 441 *n.*, 443 *n.*, 451 *n.*, 455 *n.*, 461; ii. 226, 254–56, 257, 300, 583, 584, 588, 609 *n.*, 612 *n.*, 613 *n.*, 614, 615 *n.* 624 *n.*, 672, 674 *n.*, 676, 689.
Leland, ii. 319, 405 *n.*
Le Maire, ii. 136.
Le Mans, Nation of, i. 157 *n.* *See* Cenomanses.
Lemoine, Cardinal, his College at Paris, i. 464 *n.*, 515, 543
Lenormant, Geoffrey, i. 517.
Lentius, Gaspar Marianus de Varrano, ii. 745.
Leo IX, ii. 730.
— X, ii. 39.
Leon, College of, at Paris. *See* Kerambert.
— Universities in. *See* Salamanca, Valladolid.
Leonard, Saint, College of, at S. Andrews, ii. 303.
Leonhard, i. 90.
Leontius Pilatus, ii. 49.
Leopold III, ii. 237.
LERIDA, University of, i. 160 *n.*, 168, 176, 194 *n.*, 195, 196, 213 *n.*, 233 *n.*; ii. 79 *n.*, 86–90.
— S. Mary's College at, ii. 90.
Lever, Master of S. John's College, Cambridge, ii. 664.
Lewis III, Count Palatine, ii. 250.
Lexington, Robert, John, Henry, and Stephen, of, i. 488 *n.*, 514; Henry of, ii. 419, 420.
Liber Sextus, i. 139; ii. 79.
— *Feudorum*, i. 208.
— *Tegne.* *See* Galen.
— *de Causis*, i. 354, 357; ii. 741–42.
Libraries, i. 497 *sq.*; ii. 463, 464, 478.
Librarii, i. 415 *sq.*
Libri, i. 91, 243 *n.*
Licence. *See* Licentia docendi.
Licentia docendi, i. 18 *n.*, 84, 223, 228 *sq.*, 253, 280–84, 285, 305–307, 337, 340 *sq.*, 448–53, 472, and chap. v. *passim*; ii. 352 *sq.*, 446 *sq.*, 452 *sq.*
Licentiate, i. 288. *See* Licentia docendi.
Lichfield, ii. 756.
Liège, Archdeacon and Bp.-elect of, killed, i. 296.
Lignano, Johannes de. *See* John.
Lignières of Amiens, i. 250.
Limnæus, ii. 111.
Linacre, ii. 464.
Lincoln, schools at, ii. 5, 346 *n.*
— diocese of, ii. 576.
— Bp. of, his authority at Oxford, ii. 327, 418, 426, 436 *n.*, 439, 492 *n.*, 574, 625; See of, from 1173–1209, ii. 758 (*see* also Geoffrey, Hugh, Wells, Grossetête, Henry of Lexington, Robert of Gravesend, Sutton, Dalderby, Burghesh, Gynwell, Buckingham, Repingdon, Fleming, Russell).
— College, Oxford, ii. 509–10.
Linkoeping, Collége de, at Paris, i. 516.
Lipsius, ii. 259.
LISBON, University of, ii. 101–106, 651.
Lisieux, Collége de, at Paris, i. 516.
Lithuanian College, at Prague, ii. 219.
Little, Mr., ii. 320, 531 *n.*
Livery, of Colleges, ii. 638.
Livings, College, ii. 487 *sq.*
Livius, T., i. 65 *n.*
Livonnière, Pocquet de, ii. 148.
Llanthony Chronicle, ii. 345.
Loan-chests, ii. 350 *sq.*, 660 *n.*
Locke, ii. 313 *n.*
Logic, i. 34–40, 61–62, 67, 69, 93–94, 110, 234, 240–42, 251, 365 *sq.*; ii. 138.
— New and old, i. 61, 434, 435; ii. 455–57.
— Graduation in, i. 242.
Loiseleur, ii. 136.
Lollard, ii. 429 *sq.*, 432 *sq.*, 542.
Lombard League, i. 98; ii. 11, 23.
Lombard, Peter. *See* Peter.
Lombards, i. 93, 101, 103, 106 *sq.*, 153, 172.
— Nation of, at Bologna, i. 157, 182, 184.

Lombards, Collége des, at Paris, i. 515; ii. 646 *n.*
Lombardy, i. 118.
London, Council at, forbids sale of permission to teach, i. 283.
— University of, i. 22; ii. 712.
— Church of S. John Zachary, ii. 570.
— — S. Mary Arches, ii. 528, 751.
— — S. Martin, ii. 751.
— S. Paul's Cathedral at, i. 282 *n.*, 284 *n.*; ii. 751.
— Bishop of, ii. 419.
— Schools in, ii. 751–52.
— College, Oxford, ii. 758–760.
Lorraine, Nation of, at Orleans, ii. 146.
Lorris, Collége de, at Paris, i. 517.
Loserth, ii. 212.
Lothair II, Emperor, i. 92 *n.*, 99, 120.
Lothian, ii. 298.
Louis VII, King of France, i. 293.
— IX (Saint), King of France, i. 290 *n.*, 385, 419 *n.*, 498 *n.*, 532; ii. 160.
— XI, King of France, i. 423, 472, 500 *n.*, 520, 539 *n.*, 553; ii. 190, 199 *n.*, 200, 204.
— XII, King of France, i. 424; ii. 135.
— XIV, King of France, i. 553; ii. 191.
— the Pious, Emperor, ii. 116 *n.*
— of Savoy, ii. 56.
— II, King of Jerusalem, ii. 186.
— the Rich, Duke of Bavaria, ii. 270.
LOUVAIN, University of, i. 232 *n.*; ii. 258, 259–63, 306 *n.*, 611, 614, 654 *n.*, 671 *n.*, 766–67.
Lowth, Bp., ii. 499.
Luard, ii. 544.
Lübeck, ii. 259.
Lucan, i. 65 *n.*, 66 *n.*, 240; ii. 138 *n.*
Lucas Tudensis, ii. 69 *n.*
Lucca, University of, i. 235; ii. 722.
Lucius III, ii. 138.
Luitprand, King of the Lombards, i. 34 *n.*
Lullius. *See* Raymundus.
Lundae, Collegium, at Prague, ii. 232 *n.*
Lüneburg, attempted University at, ii. 723.
Lupus, ii. 627.
Luther, i. 555; ii. 204 *n.*, 214, 247, 535, 631 *n.*, 701.
Lutz, ii. 269.
Lyndwood, i. 140 *n.*, 141 *n.*
Lynn, ii. 752.
Lynwood, ii. 410 *n.*
Lyon, ii. 295.
Lyons, Schools and University of, i. 15 *n.*; ii. 5, 136, 307 *n.*, 723–24.
— Council of, i. 11 *n.*; ii. 560.
Lyte, Maxwell, ii. 320, 326, 349 *n.*, 352 *n.*, 426 *n.*, 470 *n.*

M

M.A. *See* Arts, Doctor.
Maassen, i. 128.
Macaulay, ii. 573 *n.*, 705.
Mackintosh, ii. 304.
Maclou College, at Paris, i. 515.
Macray, Rev. W. D., ii. 321, 343 *n.* 352 *n.*, 512.
Macrobius, i. 38.
Madan, Mr. F., ii. 321.
Magdalen College, Oxford, i. 495; ii. 512–18, 762.
— Hall, Oxford, ii. 512 *n.*
Magdalene College, Cambridge, ii. 559.
Magister. *See* Master.
— *sacri palatii*, ii. 28 *n.*
— *Scholarum*, i. 281; ii. 70, 243, 251, 353 *sq.*
Maguelone, Bp. and town of, ii. 114, 120, 128.
— College of, at Toulouse, ii. 169.
Maillotin, i. 520.
Maimonides, i. 352, 353 *n.*
Maine, Nation of, at Bologna, i. 157 *n.*, 184 *n.*; at Angers, ii. 155.
MAINZ, University of, ii. 272–73.
— Abp. of, ii. 243, 245; Dean of, ii. 253.
— Church of S. Mary at, Dean of, ii. 245.
Maitland, Dr., i. 25.
— Prof., i. 141 *n.*
Maître, Léon, i. 25; ii. 201.
Maixent, Saint, Abbot of, ii. 192.
Major, John, ii. 578 *n.*
Majorca, ii. 96; Nation of, at Bologna, i. 185 *n.*
Malagola, i. 90, 186 *n.*, 189 *n.*, 245 *n.*, 250 *n.*; ii. 660 *n.*
Malden, Prof., i. 3, 313 *n.*, 453 *n.*, 478 *n.*
Malden, in Surrey, ii. 482, 484.
Maldonado, Diego de Anaya, Abp. of Seville, ii. 81.
Malines, College of, at Louvain, ii. 261.
Malinowski, ii. 179.
Mandelli, ii. 26.
Manfred, King of Naples, i. 359 *n.*; ii. 24.
Mangold, i. 86.
Mansi, i. 283 *n.*
Mantua, Marcus, i. 89.
Mantua, Schools at, i. 171.
Manuel Chrysoloras, ii. 49.
Map or Mapes, Walter, Archdeacon of Oxford, ii. 341 *n.*, 610 *n.*
Marbodus, Bp. of Rennes, ii. 148.
Marcel, Étienne, i. 520.
— Saint, near Paris, i. 335 *sq.*
Marche, Collége de la, at Paris, i. 486, 503 *n.*, 516.

Marchesan, ii. 43.
Marcianus, Jo. Bapt., ii. 745.
Margaret, Lady, ii. 461.
— Queen of Navarre, ii. 575.
Mariolatry, i. 528.
Marischal College, Aberdeen, ii. 312 *n.*
Marleberge, Thos. de, ii. 347.
Marlot, Dom, ii. 725.
Marmoutier, Abbot of, i. 494 *n.*
— College of, at Paris, i. 515.
Marriage of doctors and students, i. 86, 92 *n.*, 183–184, 439; ii. 240, 314, 645, 647–48.
Marseilles, i. 107 *n.*
Marshalsea prison, ii. 406.
Marsilius of Inghen, i. 441, 539 *n.*; ii. 248, 250.
— Padua, ii. 540 *n.*
Martial, Saint, College of, at Toulouse, ii. 169; at Avignon, ii. 176 *sq.*
Martin, Saint, de Champs, i. 279; College of, at Paris, *see* Marmoutier; Church of, de Ordeis, ii. 679.
— V, Pope, i. 392, 552; ii. 48, 71 *n.*, 77, 78 *n.*, 79 *n.*, 84, 130, 188, 194, 202, 241, 257, 260, 438 *n.*, 550 *n.*
— Biographer of Wykeham, ii. 499.
Martineau, Dr., ii. 531 *n.*
Martinet (*Martineti*), i. 475, 496, 506 *sq.*; ii. 181 *n.*
Martinus, one of the 'four Doctors,' i. 120 *n.*, 259; ii. 10, 124 *n.*, 753.
Martonné, ii. 204.
Marx, ii. 263.
Mary, Saint, the Virgin; theological controversies about, i. 464 *sq.*; immaculate conception of, i. 527 *sq.*; ii. 535; Church of, at Bologna, i. 175.
— College of, at Lerida, ii. 90; at Leipsic, ii. 255 *n.*; at Oxford, ii. 479 (and see Oriel, New College); at S. Andrews, ii. 301 *sq.*; Hall, at Oxford, ii. 492 *n.*, 760–62.
Mason, ii. 720.
Mass, attendance at. *See* Service, Divine.
Massarii, i. 193.
Massenius, ii. 263.
Master, Title of, i. 21, 22, *see* Doctor; of Ceremonies, ii. 129 *n.*; of a College, chap. v., § 5, *passim*; Grand, *see* Navarre, College of; of the Schools, *see* Magister Scholarum.
Mathematics, i. 243, 249–50, 434 *n.* 437, 442; ii. 240, 452, 456 *sq.*, 525–26, 556, 661 *n.*, 674.
Mathurine (Trinitarian), Convent at Paris, i. 343, 371 *n.*, 402, 418, 452, 543. *See* also Trinitarians.
Matilda, Empress, i. 116 *sq.*
Matriculation, i. 217 *sq.*, 238.
Matthew, S., and S. Matthias, College of, at Prague, ii. 232 *n.*
— F. D., ii. 543.
Matthias of Janow, ii. 220.
Matzen, ii. 291.
Maurer, Von, ii. 211.
Maurice, F. D., i. 25.
— Bp. of Paris, i. 290 *n.*
— Abbot of S. Saviour's, de Monte Amiata, i. 112 *n.*
— of Spain, i. 358, 368, 434.
Maximilian I, Emperor, ii. 241 *n.*, 723.
Meals, i. 201 *sq.*; ii. 652 *sq.*, 663 *sq.*, 773 *sq.*
Meaux, i. 75.
— Bp. of, i. 344.
Mecklenburg, Duke of, ii. 265.
Medici, Lorenzo dei, ii. 48, 52.
Medicine, study of, at Bologna, i. 12 *n.*, 233–48, 262, 266; at Montpellier, ii. 115–24, 132–36, 780–85; at Oxford, ii. 375 *n.*, 454–55; at Padua, ii. 21 *n.*; at Paris, i. 323, 324, 418–19, 428–30, 449 *n.*, 469, 492; at Salerno, i. 9, 75–86.
Medicus Dentisalvus, i. 235 *n.*
— *Physicus*, i. 236 *n.*
— *Vulnerum*, i. 235.
Mehilinus, Johannes Micentius, i. 442 *n.*
Meiners, i. 3; ii. 211.
Melgeuil, Counts of, ii. 114.
Melun, i. 49; Bp. of, i. 494.
Mempric, ii. 320, 323.
Ménard, ii. 727.
Mende, College of, at Montpellier, ii. 131.
Mendicant Friars, i. 137, 251–53, 345–50, 362–92, 466, 487 *sq.*; ii. 376–86, 559.
Mendo, ii. 69.
Mendoza, Cardinal, Gonzales de, ii. 84, 97.
Merchants, University of, at Bologna, i. 193.
Mercuriales, ii. 329 *n.*
Merlin, prophecy of, about Oxford, ii. 345 *n.*
Merseburg, Bp. of, i. 255.
Merton College, Oxford, ii. 464, 481–90, 492, 495, 502–505, 531, 535 *n.*, 539 *n.*, 617 *n.*, 636, 757.
— Walter de. *See* Walter.
Messahala or Maschalla, i. 250.
Messengers, University. *See* Nuntii.
Metaphysics, ii. 702.
Methodism in Medicine, i. 78.
Metz, Schools at, i. 281 *n.*
Meuse, the river, i. 320 *n.*
Michaelhouse, Cambridge, ii. 505, 562–63.

Michael Scot, i. 358 *sq.*
Michel, Saint, College of, at Paris, i. 516; at Avignon, ii. 177; at Cahors, ii. 180.
Middendorpius, i. 3; ii. 69.
Middleton, Richard, ii. 539 *n.*
Mignon, College of, at Paris, i. 516.
Migrations, scholastic, from Bologna, i. 170–75; ii. 7, 9, 11–12, 16, 31, 32, 45, 47, 736; from Padua, ii. 12, 26; between Lisbon and Coimbra, ii. 103–104; from Orleans, ii. 144; from Paris, i. 337; ii. 139, 149, 160, 329–332, 345 *sq.*, 546; from Rostock, ii. 264; from Oxford, ii. 349, 545; from Cambridge, ii. 548; from Turin, ii. 57; from one College or Hall to another, i. 505 *sq.*; ii. 467.
Milan, Schools at, ii. 728–729.
Milicz, ii. 220.
Mill, J. S., ii. 313, 596.
Millennium, expectation of, i. 31.
Millet, ii. 182.
Millington, William, ii. 572, 574.
Milman, ii. 536 *n.*
Milo Crispinus, i. 102 *n.*
Mimi, i. 195, 196, 230.
Miramar, College of Minorites at, ii. 97.
Misnia, Nation of, at Leipsic, ii. 256.
Moberly, G. H., ii. 499.
Modena, Schools at, i. 171; ii. 5, 6, 736.
Molanus, ii. 259.
Molière, ii. 147 *n.*
Molinet, i. 450 *n.*
Molinier, ii. 157.
Mommsen, i. 122 *n.*, 208 *n.*
Monachus Cisterciensis, i. 539 *n.*
Monasteries, Education in, i. 28, 42, 91 *sq.*, 274–78, 345 *sq.*, 487–88; ii. 476–81, 498–99. *See* also Benedictines, Cistercians, &c.
Montagu, Bp. of Ely, ii. 549 *n.*, 560.
Montaigu, College of, i. 500 *n.*, 512 *n.*, 515 *n.*; ii. 310, 620, 640 *n.*, 663. (*See* also Aicelins.)
Monte Casino, Abbey of, ii. 23 *n.*, 781, 784.
Monteil, ii. 113.
Montirac, Cardinal, ii. 169.
Montmajour, Abbey of, ii. 177.
MONTPELLIER, University of, i. 11 *n.*, 85, 171, 226 *n.*, 230 *n.*, 235, 260 *n.*, 266, 323, 428; ii. 112, 113–36, 183, 620 *n.*, 656 *n.*, 668.
Moots, i. 255 *n.*
Morality, state of, ii. 690 *sq.*
Moray, Bp. of, i. 515; ii. 295.
More, Sir Thomas, ii. 659 *n.*
Moriani, ii. 31.
Morin, i. 25.
Morton, Cardinal, Abp. of Canterbury, ii. 439 *n.*, 514 *n.*
— the Regent, ii. 314 *n.*
Mosheim, i. 18 *n.*
Mota, Cardinal de, Archdeacon of Oxford, ii. 423 *n.*
Motschmann, ii. 242.
Mullinger, i. 4, 25, 81 *n.*, 284 *n.*, 427 *n.*; ii. 326 *n.*, 328 *n.*, 340 *n.*, 544, 546 *n.*, 566 *n.*, 574 *n.*
Mundinus, i. 246, 266.
Munich, University of, ii. 272.
Municipia, Survival of, i. 95, 97 *n.*
Munk, i. 25.
Muratori, i. 75, 90; ii. 726.
Music, graduation in, i. 22; ii. 458; study of, i. 35, 243, 443; ii. 75, 105 *n.*, 458, 556; practice of, in College or Hall, ii. 668, 671.
Muther, i. 91.

N

Nadal, ii. 181, 200.
Naghel, Francis, of Utrecht, ii. 745.
Namèche, ii. 259.
NANTES, University of, i. 337 *n.*, 480 *n.*; ii. 201–203, 651 *n.*, 674, 744.
NAPLES, University of, i. 8 *n.*, 10, 16 *n.*, 84–85; ii. 22–25; influence of its Charter on Salamanca, ii. 71; on Lerida, ii. 87; on Avignon, ii. 171; on Prague, ii. 214.
Napoleon I, Emperor of the French, i. 86 *n.*
Napoli-Signorelli, i. 75.
Narbonne, College of, at Paris, i. 515; ii. 169, 613 *n.*, 661 *n.*, 662 *n.*, 670 *n.*, 671 *n.*
— Schools of, i. 17 *n.*, 281 *n.*, 464 *n.*, 494 *n.*, 495 *n.*, 496 *n.*; ii. 116; province of, at Angers, ii. 155; College of, at Toulouse, ii. 169.
Nations, at Bologna, i. 156–59, 161–63, 178, 184–85.
— at Paris, i. 295–96, 313–21, 403 *sq.*; ii. 585, 688.
— at Angers, ii. 152–55.
— at Leipsic, ii. 256, 258.
— at Louvain, ii. 258, 260.
— at Montpellier, ii. 117, 128.
— at Orleans, ii. 146.
— at Oxford, ii. 367–69.
— at Padua, ii. 17.
— at Poitiers, ii. 192.
— at Prague, ii. 217, 225 *sq.*
— at Vienna, ii. 234, 239.
— in Scotch Universities, ii. 298, 305, 306, 315.

Nations, disappearance of, in German Universities, ii. 252, 258, 276; voting by, at Paris, i. 409; imitated at Constance, i. 549 *sq.*
Navarre, College of, at Paris, i. 402, 491, 494, 499 *n.*, 515, 524; ii. 619, 627, 638, 640 *n.*, 661 *n.*; Nation of, at Bologna, i. 185 *n.*
Nazareth, College of, at Prague, ii. 232 *n.*
Neckam, Alexander, i. 323; ii. 345 *n.*
Nehring, Prof., ii. 17 *n.*
Neoplatonism, i. 354.
Nestorians, instructors of Saracens, i. 351.
Neubauer, Dr., i. 352 *n.*; ii. 326 *n.*
Nevers, migration from Orleans to, ii. 144.
Neville, George, Bp. of Exeter, and afterwards Abp. of York, i. 476.
New College, Oxford, i. 260 *n.*, 491, 492, 495; ii. 499–508, 511, 513-515, 651, 661, 671, 674 *n.*
Newman, Cardinal, i. 512 *n.*; ii. 320, 720.
— F. W., ii. 320.
Newton, Richard, ii. 607 *n.*
Nicæa, Second Council of, ii. 646 *n.*
Nicholas, Saint, Feast of, ii. 671 *n.*, 673.
— I, Pope, i. 273 *n.*
— II, Pope, ii. 123, 526 *n.*
— IV, Pope, i. 12, 224, 396; ii. 102, 126, 188, 719.
— V, Pope, ii. 91, 94, 190, 202, 205, 264, 304.
— Cusanus, Cardinal, i. 245.
— of Clemangis, i. 540 *sq.*, 543, 545, 548; ii. 698 *n.*
— of Hereford, ii. 428.
— of Lyra, i. 465 *n.*
— of Ultricuria, i. 538.
— physician of Salerno, i. 429; ii. 455, 781.
— clerk of Abbot of S. Alban's, ii. 521 *n.*
— Saint, in the Louvre, College of, i. 486, 514.
— de Lupara, i. 497 *n.*; ii. 651 *n.*
Nigellus, i. 285 *n.*
Nihilianism, i. 53 *sq.*
Nismes, ii. 726–27.
Nobles at Universities, ii. 655, 656.
Nogaret. *See* William of.
Nominalism, i. 43–48, 53, 537 *sq.*, 539 *n.*; ii. 222 *sq.*, 250, 263 *n.*, 269, 271, 296 *n.*, 435, chap. xii., § 7 *passim*.
Non-regents, i. 330, 403 *sq.*, 469; ii. 364, 373–75, 557.
Norbert, Saint, i. 55, 345.
Nordillus, i. 113 *n.*
Normandy. *See* Normans and Caen.
Normans, i. 118; nation of, at Bologna, i. 157 *n.*, 184 *n.*; at Paris, i. 319–21, 403, 524 *n.*; at Orleans, ii. 146; at Angers, ii. 155.
Northampton, secession from Oxford to, ii. 395–96, 548; rectory of, ii. 562.
Northern scholars. *See* Boreales.
Northofer, ii. 269.
Northumberland, Earl of, ii. 472.
Norwich, Monks of, at Cambridge, ii. 559 *n.*, 568 *n.*; Bp. of, *see* Bateman, Ralegh.
Notaria, i. 111 *sq.*
Notarii, i. 93 *n.*, 101; University, i. 190 *n.*, 193. *See* also Tabellio.
Notre Dame, Cathedral of, at Paris, i. 279, 379, 398; ii. 597, &c.
— de la Pitié, College of, at Avignon, ii. 177.
Novara, i. 245 *n.*, 250.
Novella de Calderinis, ii. 745.
Noyon, School of, i. 284 *n.*; Bishop of, ii. 679.
Numbers in Medieval Universities, ii. 581–90.
Nun Hall, Oxford, ii. 486 *n.*
Nuncheons, ii. 655 *n.*
Nuntii, University, i. 415; ii. 44 *n.*

O

Oaths, Medieval ideas about, i. 154, 377; academical, i. 171 *sq.*, 179, 197, 218, 226, 238, 329–32, 368, 375 *sq.*, 390, 439–40; ii. 688–89.
Ochs, ii. 269.
Ockham and Ockhamism. *See* William of Ockham.
Odo, Abbot of Cluny, i. 275.
Odofredus, i. 63 *n.*, 112 *sq.*, 125, 167 *n.*, 182, 190 *n.*, 209 *n.*, 211, 220, 256 *n.*, 258, 417 *n.*; ii. 5 *n.*, 581, 605 *n.*
OFEN, University of. *See* Buda.
Official of Bishop, i. 411, &c.
Officiales Studii, ii. 51.
Ogle, ii. 321, 409 *n.*, 499.
Oliver, ii. 490.
Olivi, ii. 530 *n.*
Olmütz, Bp. of, ii. 241.
Omnem, the constitution, i. 13 *n.*
Omnibonus, i. 137.
Ontiz, Clodulfo Pelear, ii. 65.
Opponency, ii. 452.
Optics, i. 442.
ORANGE, University of, ii. 182–83.
Orcagna, i. 263.
Ordaz, Doncel y, ii. 69.
Ordericus Vitalis, i. 77.

Orders, requirement of, for theological degrees, i. 468 *n.*; ii. 646; for fellowships, ii. 646 (*see* also Colleges); Examination for, ii. 702.
Ordinary, Grand, i. 403, 437, 477; Little, i. 477.
— Lectures. *See* Lectures.
Oriel College, Oxford, i. 490; ii. 374 *n.*, 435–36, 491–94, 762.
Oriental languages, chairs and study of, ii. 30, 80, 82, 97, 459, 521 *n.*
Origlia, ii. 22.
Orlandi, i. 89.
ORLEANS, University and school, i. 16–17 *n.*, 19 *n.*, 105 *n.*, 337, 431; ii. 112, 136–48, 192, 296, 309 *sq.*, 606 *n.*, 633 *n.*, 639 *n.*, 683.
— Mary, Duchess of, ii. 196.
— Bp. of, i. 38; ii. 137 (*see* Theodulf).
Orosius, i. 35 *n.*
Orvieto, attempted University of, ii. 722.
Osca. *See* Huesca.
Osculum pacis, i. 230 *n*, 232, 287.
Oseney Abbey, at Oxford, ii. 325, 353, 377, 436 *n.*, 462, 480, 753.
Otho IV, Count of Burgundy, ii. 188, 719.
— Gerald, i. 530.
Otto of Freisingen, i. 48 *n.*, 59.
Ottokar II, King of Bohemia, ii. 213.
Ovid, i. 63, 72, 240; ii. 138 *n.*, 457, 603.
Oviedo, College of, at Salamanca, ii. 80.
OXFORD, Early history of the City, ii. 323 *sq.*
— University of, i. 12, 16, 19 *n.*, 22, 187, 232 *n.*, 260, 314 *n.*, 324 *n.*, 331 *n.*, 337, 401, 415 *n.*, 416 *n.*, 427 *n.*, 430 *n.*, 434 *n.*, 444 *n.*, 446 *n.*, 456 *n.*, 459 *n.*, 462 *n.*, 472 *n.*, 476, 477 *n.*, 480 *n.*, 481, 492–95, 498 *n.*, 501 *n.*, 507 *n.*, 508, 509, 512, 513, 533 *n.*, 537; ii. 3, 75, 121, 148, 149, 163, 241, 263 *n.*, 311, 319–542, 550, 561, 581 *sq.*, 607, 613 *n.*, 622, 640 *n.*, 641 *n.*, 643, 649 *n.*, 657, 659 *n.*, 670 *n.*, 673 *n.*, 675, 689 *n.*, 753–63, 767–80, 785–93.
— Churches at: All Saints, ii. 509; S. Ebbe's, ii. 376; S. Edward's, ii. 376, 463; S. George within Castle, ii. 325; S. Giles', ii. 404, 414; S. John the Baptist's, ii. 483, 505; S. Martin's, ii. 404; S. Mary the Virgin's, ii. 327, 343, 372, 374, 404, 448, 453, 458, 461, 492, 494, 505; S. Michael's, ii. 509; S. Mildred's, ii. 372, 374, 386 *n.*, 461, 509; S. Peter's in the East, ii. 413, 453 *n.*, 461, 496 *n.*
— Colleges of, ii. 464–518.
— Archdeacon of, ii. 351, 418, 421, 423 *n.*, 424 *n.*, 427 *n.*
Oxford, (Rural) Dean of, ii. 353, 471.
— Countess of, ii. 376.
Oxonia, ii. 344 *n.*, and *see* Oxford.
Ozanam, i. 25, 91, 94, 103, 235 *n.*, 267.

P

Pacius, ii. 135 *n.*
Padeletti, ii. 40.
PADUA, University of, i. 12, 152 *n.*, 158 *n.*, 170 *n.*, 173, 181 *n.*, 186, 187, 187 *n.*, 197 *n.*, 213 *n.*, 218 *n.*, 220 *n.*, 227 *n.*, 228 *n.*, 230 *n.*, 233 *n.*, 239 *n.*, 246 *n.*, 247 *n.*, 248 *n.*, 251 *n.*, 252 *n.*, 253 *n.*, 264, 265, 266, 425 *n.*, 439 *n.*, 462 *n.*; ii. 10–21, 459 *n.*, 637 *n.*, 652 *n.*, 666, 667 *n.*, 689 *n.*, 736, 750 *sq.*; philosophical school of, i. 264–65; Bp. of, ii. 11 *n.*
Paedagogium, i. 480–81, 499, 502, 504–11; ii. 261, 299–301, 305, 611.
— at Louvain, ii. 261.
Paedagogus, i. 480 *sq.*, 499 *sq.*, 504 *sq.*; ii. 148, 156. *See* Paedagogium.
Palais, i. 48.
Palecz, Stephen, ii. 228.
PALENCIA, University of, ii. 22, 65–69, 82 *n.*, 158.
Pallium, ii. 639 *n.*, 640 *n.*, 643 *n.* *See* Cappa.
PALMA, University of, ii. 96–97.
Pamiers, abortive University at, i. 11 *n.*; ii. 719.
Pampeluna, College of, at Toulouse, ii. 169.
Pancirolus, i. 89.
Panormia, i. 129.
Pantheism, i. 44, 47, 262 *sq.*, 355 *sq.*, &c.
Papacy. *See* Popes.
Papadopolus, ii. 10.
Paper-makers, i. 417.
Papias, i. 103 *n.*
Papiensis, the, i. 102 *n.*
Paraclete, Oratory of, i. 52.
Paranymphus, i. 472.
Paravacini, Mrs., ii. 472.
Parchment, trade in, i. 417, 418.
— makers, i. 417 *sq.*
Parens Scientiarum, the Bull, i. 339; ii. 180.
Pareus, ii. 247.
PARIS, Bp. of, i. 377; ii. 137. *See* Maurice, Peter the Lombard, Tempier.
— Chancellor of. *See* Chancellor.
— Chapter of, i. 378.
— Schools and University of, i. 4, 6, 9–12, 16, 19–22, 48–51, 59–60, 64, 69–70, 271–557, *et passim*. *See* Table of Contents.

Paris, Parlement of, i. 420–25, 555.
— Matthew, i. 293, 336; ii. 150, 152 *n.*, 349, 473, 739, 741.
Parker, Mr. James, ii. 320, 323.
— Matthew, Abp. of Canterbury, ii. 543.
— Richard, ii. 543.
— Mr. H., i. 35 *n.*
Parliament, representation of Universities in, ii. 519.
Parma, Schools and Colleges, and University of, i. 14 *n.*, 167-68 *n.*; ii. 257.
Parqueta, at Orleans, ii. 146 *n.*
Parva naturalia, i. 437.
— *Logicalia*. *See* Madsilius of Inghen.
Parvis, ii. 448 *n.*
Parvisus, at Oxford, i. 445 *n.*; ii. 448 *n.*, 456.
Parvulus at Merton, ii. 486, &c.
Paschasius Radbertus, i. 46.
Pascipoverus, i. 137 *n.*
Pasquier, i. 271.
Passau, Bp. of, ii. 237, 241.
Passavantius, Joannes, i. 212 *n.*
Paston Letters, ii. 626 *n.*, 646 *n.*
Pastoreaux, the, ii. 141 *n.*, 143.
Patrick's, Saint, Dublin, Dean of, ii. 720.
Patronage of University of Paris, i. 401.
Patten, William. *See* William of Waynflete.
Pattison, Mark, i. 422 *n.*, 539.
Paul, Saint, attempted Lectures on, at Florence, ii. 49.
— II, Pope, ii. 90 *n.*, 93, 204, 290.
— III, Pope, i. 181 *n.*
— of Ægina, i. 246.
— of Pergolae, i. 249 *n.*
— of Venice, i. 249 *n.*, 263 *n.*
Paulsen, ii. 211.
PAVIA, Schools and University at, i. 102, 106–107; ii. 38, 53–54, 57; tomb of Boethius at, i. 34 *n.*
Pavilly, Jean de, i. 522.
Payne, Dr. J. F., i. 75, 81 *n.*; ii. 780, 784.
Pays de droit écrit, i. 96.
— coutumier, i. 260.
Peacock, Dean, ii. 543.
Peciarii, i. 191.
Peckham, John, Abp. of Canterbury, i. 442; ii. 410 *n.*, 421, 425, 487, 526 *n.*, 528.
Pedellus, i. 194 *n.* See Bedel.
Pedro de Luna. *See* Benedict XIII.
— IV of Aragon, ii. 92.
Pelczar, ii. 283.
Pelegrinus de Marsilia, ii. 746.
Pélegry, Raymond de, his College at Cahors, ii. 180.
— Hugh de, ii. 180 *n.*
Pembroke College, Cambridge, i. 517 *n.*; ii. 519 *n.*, 564–66, 617 *n.*
Pennalism, ii. 632.
Pensionarius. *See* Commensalis.
Penne, de la, family of, at Toulouse, ii. 684.
Pepo, i. 112–14, 119, 122.
Pepolo, Taddeo, i. 217.
Percival, ii. 481.
Percy, Henry, Earl of Northumberland, ii. 472.
Pereira, Monte, ii. 101.
Pergamenarius. *See* Parchment makers.
Péries, i. 272, 323 *n.*, 470 *n.*; ii. 740.
Périgord, College of, at Toulouse, ii. 169.
'Perils of the Last Times,' the, i. 382, 383 *sq.*, 389.
Peripatetic philosophy, i. 352, 354.
Perjury, prevalence of, ii. 417, 689.
Perotus, ii. 702.
PERPIGNAN, University of, i. 427 *n.*; ii. 90–92, 134, 642 *n.*, 652 *n.*
Persius, i. 65 *n.*
PERUGIA, i. 165; University of, i. 11 *n.*, 17 *n.*, 19 *n.*, 213 *n.*; ii. 40–43, 48, 675 *n.*, 736.
Peshall, Sir John, ii. 319.
Peter, Saint, Confraternity of, at Louvain, ii. 261; College of, at Oxford and Cambridge, *see* Peterhouse; at Avignon, ii. 177.
— of Abano, i. 265 *n.*
— d'Ailly, Cardinal, i. 528, 530 *n.*, 538, 539 *n.*, 541 *n.*, 545, 548.
— of Belle-Perche, ii. 165.
— of Blois, Archdeacon of Bath, i. 65 *n.*, 137 *n.*; ii. 337 *n.*, 545.
— de Boateriis, ii. 19.
— Crassus, i. 107 *n.*
— de Englesco, ii. 746.
— of Ferrières, ii. 18?.
— the Lombard, Master of the Sentences, i. 25, 53–54, 56–59, 129, 257, 291; ii. 335, 380 *sq.*, 453.
— de Maharncuria, ii. 526 *n.*
— de Petit-Pont, i. 290 *n.*
— of Pisa, i. 91.
— of Spain (Hispanus), Pope John XXI, i. 441; ii. 13 *n.*, 240 *n.*, 296 *n.*, 702.
— the Venerable, Abbot of Cluny, i. 55.
— de Vineis, ii. 22, 656 *n.*
— the Writer, ii. 329.
Peterborough, Bp. of. *See* Creighton.
Peterhouse, Cambridge, ii. 559–61; Oxford, ii. 760.
Petersen, Christian, ii. 340 *n.*
Petit, Jean, i. 521 *n.*, 522, 551.
Petrarch, i. 264 *n.*; ii. 20 *n.*, 48, 459 *n.*
Petre, Sir William, ii. 490 *n.*, 491.
Petrus. *See* Peter.

Pézenas, College of, at Montpellier, ii. 131.
Pezzana, ii. 726.
Philaretus, i. 430; ii. 783 *sq.*
Philip Augustus, King of France, i. 271, 296, 299, 326 *n.*, 333 *n.*, 338, 484; ii. 677, 737, 738.
— IV, le Bel, King of France, i. 290, 406, 418 *n.*, 542; ii. 143, 164, 167 *n.*
— V, King of France, ii. 145, 188.
— brother of S. Louis, i. 290 *n.*
— the Good, Duke of Burgundy, ii. 188.
— of Thori, i. 339 *n.*, 393.
— of Valois, i. 530.
—, Count Palatine, ii. 250.
Philippa, Queen of Edward III of England, ii. 495.
Phillipps Library, at Cheltenham, i. 200 *n.*
Phillpotts, Bp., i. 126 *n.*
Philosophies, the three, ii. 311, 452, 457, 460.
Philosophy, Doctors of, i. 242, *see* Arts; Moral, i. 62, 68, 434 *sq.*, 437; ii. 452, 458; Scholastic, i. 38–72, 93 *sq.*, 234. 248 *sq.*, 262–68, 350–68; ii. 520–42, 703 *sq.*; Scotch, ii. 313. *See* also Realism and Nominalism.
Philpott, Bp., ii. 577 *n.*
Physicians, College of, in London, ii. 705.
PIACENZA, University of, i. 11 *n.*; ii. 35–38, 57.
Picardy, Nation of, at Bologna, i. 157, 184 *n.*; at Paris, i. 319, 321 *n.*, 403, 521 *n.*, 524, 535; at Orleans, ii. 146.
Picquet, Honorat, ii. 183.
Piedmont, Universities in. *See* Vercelli, Turin.
Piganiol, ii. 111.
Pileum, ii. 641–42. *See* Biretta.
Pillius, i. 171; ii. 5.
Pillory, ii. 413 *n.*
Pilotelle, ii. 192.
Pingonius, ii. 56.
Pipers, University, i. 230.
PISA, i. 99, 255; Schools and University of, i. 17 *n.*, 107 *n.*, 160 *n.*, 221 *n.*, 231 *n.*, 243 *n.*, 253; ii. 44–46, 48, 50, 52; Council of, i. 545, 548; ii. 297.
Pitton, ii. 184.
Pius II, Pope (Æneas Sylvius), i. 424 *n.*; ii. 99, 174, 200, 202, 269, 270, 300.
Placentinus, i. 171, 255; ii. 5 *n.*, 36, 124.
Placet, i. 452.
Plaoul, Peter, i. 548 *n.*, 551.
Plato, knowledge of, i. 37–38; ii. 744, 745.
Plays, ii. 674, 675.
Pluzanski, ii. 531 *n.*
Plessis, Schools at, i. 464 *n.*, 494 *n.*; Collége du, i. 515; ii. 661 *n.*, 663 *n.*, 689 *n.*; Geoffroi du, i. 515.
Pliny the Elder, ii. 184.
Poaching, ii. 675.
Poele, Robert Van den, his College at Louvain, ii. 261.
Poetry, Chair of, at Florence, ii. 49.
— (or verse making) in Schools and Universities, i. 111, 268; ii. 241 *n.*, 603.
Poets, College of, at Vienna, ii. 241 *n.*
— Laureate, ii. 459.
POITIERS, University of, i. 524; ii. 191–93.
Poitou, Nation of, at Bologna, i. 157 *n.*, 184 *n.*
Poland, Nation of, at Bologna, i. 157 *n.*, 185 *n.*; at Prague, ii. 217; at Leipsic, ii. 256; University in, *see* Cracow.
Poligny, temporary University at, ii. 191.
Politian, i. 261.
Polydore Vergil, ii. 664 *n.*
Pomare, Hugues de, i. 516.
Ponz, Domingo, of Lerida, ii. 90.
Poole, Dr. R. L., i. 25, 70 *n.*, 249 *n.*, 274 *n.*; ii. 223 *n.*, 347, 745.
Poor students. *See* Poverty.
Popes, their relation to Universities and degrees, i. 10 *sq.*, 252 *sq.*; ii. 29, 446 *n.*, 750–51.
Porphyry, i. 37–39; ii. 455, 456.
Porrus, Bonrecuperus, i. 190 *n.*
Port, ii. 148.
Portionist, at Merton, ii. 488.
Portugal, Nation of, at Bologna, i. 185 *n.*
— Universities of, ii. 101–107.
Post-master at Merton. *See* Portionist.
POSZONY. *See* Pressburg.
Potationes. *See* Drinking.
Pouchet, i. 75, 91.
Pourchot, i. 272.
Poverty of medieval scholars, ii. 656–62.
Praeceptor, i. 507 *n.*
Praelector, i. 508 *n.*
Praepositus, at Salerno, i. 82. *See* Provost.
PRAGUE, University of, i. 440 *n.*, 441 *n.*, 442 *n.*, 446 *n.*, 451 *n.*, 540; ii. 211–32, 236, 252, 269, 582 *sq.*, 588, 604, 612, 637 *n.*, 643 *n.*, 656 *n.*, 658 *n.*, 666.
Prantl, i. 25; ii. 270.
Preachers, Order of. *See* Dominicans.
Pré-aux-clercs, at Paris, i. 401 *sq.*; ii. 674, 678 *sq.*
Precentor, Control of Schools by, i. 281.
Prêles, Collége de, i. 515.
Prémontré, Abbot and College of, at Paris, i. 345, 514.

Prepositors of a nation, i. 185 *n.*
PRESSBURG, i. 176: University of, ii. 289–90.
Prezziner, ii. 46.
Primerose, ii. 113.
Primicerius, i. 107 *n.*, 281; ii. 78, 172, 186, 201.
Principal of Hall, i. 480, 481, 497, 501 *sq.*; ii. 465–68, 607 *sq.*, 625 *sq.*, 760–62, 767–80; of Scotch Universities, ii. 308.
Principium, i. 465, 466, and *see* Inception.
Prior at Salerno, i. 82; of Doctoral Colleges, i. 197, 231; ii. 78, 196; in Colleges, i. 490, 497; ii. 166, 170, &c.; of a Nation, i. 403; of University, i. 189; Deputy of Rector, i. 189.
Priscian, i. 35, 71, 249 *n.*, 434, 436; ii. 455, 457, 604.
Prison, Chancellor's, at Paris, i. 306, 339.
Privata, i. 228. *See* Examinations.
Privatio, i. 182, 186, 197, 306, 420, &c.
Privilegium Fori, i. 343, &c.
Probate, *see* Wills.
Proclus, i. 354 *n.*
Proctors, at Bologna, i. 162, cf. 185; at Paris, 313–17, 321 *n.*, 329, 400, 405, 410, 554; at Montpellier, ii. 121; at Orleans, ii. 146 *sq.*; at Oxford, i. 314 *n.*, 321 *n.*; ii. 365–74, 441 *n.*, 447; at Cambridge, i. 314 *n.*, 321 *n.*; ii. 554; at Angers, ii. 154; at Louvain, ii. 258 *n.*; at Toulouse, ii. 165; at Vienna, ii. 239 *sq.*; in Scotch Universities, ii. 298, 305, 306, 315.
— of a College, i. 483, 487 *n.*, 494.
— of a Guild, i. 315 *n.*
Procurator. *See* Proctor.
Procuratio ad litem. *See* Syndics.
Professions, the Church and the, ii. 696 *sq.*
Professor, title of, i. 21, 22; evolution of modern, ii. 278 *sq.*, 301; endowed, at Oxford, ii. 460–61, 516; in Scotland, ii. 312–314. *See* Doctor, Stipendia.
Promotion, right of, i. 214; Colleges of, *see* College of Doctors.
Promotor, i. 227; ii. 258, 633, 734.
— (*Generalis*) *Universitatis*, i. 414; ii. 258.
Propinationes, ii. 688.
Prostitutes, punishment of, ii. 399 *n.*
Protector of a College, i. 202; of a University, ii. 105.
Provence, Nation of, at Bologna, i. 157 *n.*, 185 *n.*; at Montpellier, ii. 117; at Aix, ii. 187 (*see* Aix); at Padua and Vercelli, ii. 14, 746 *sq.*
Provinces, at Paris, i. 321.
Provincialis, i. 314 *n.*
Provisor of a College, i. 484, 485, 490, 494; ii. 479.
— *Studii*, ii. 48 *n.*, 252, 273.
Provost, of Paris, i. 296 *sq.*, 374 *sq.*, 411 *sq.*; of a Nation, i. 185 *n.*; of a College, ii. 493, 495.
Prüm, Abbot of. *See* Regino.
Prunelle, ii. 113.
Psychology, i. 437.
Ptolemy, i. 250.
Publica, i. 228. *See* Examinations.
Pullen, Robert, Cardinal, ii. 335, 340 *n.*
Pulling, i. 287; ii. 696.
Puncta, i. 199, 226 *sq.*
Punishment, corporal and other, i. 287 *n.*, 296, 507; ii. 307, 599, 609–26, 779.
Purgation, ii. 410, 417.
Purse, as part of official *insignia*, ii. 642 *n.*
Puschmann, i. 75.
Pusey, Dr., ii. 439 *n.*, 786.
Puygareau, College of, at Poitiers, ii. 193.
Pynsons, i. 456 *n.*
Pythagoras' School, at Cambridge, ii. 481, 483 *n.*

Q

Quadrangle, evolution of the College, ii. 489 *sq.*
Quadrant, i. 250.
Quadrivium, i. 34 *sq.*, 64, 109 *n.*, 434, 465; ii. 452.
Quæstiones, i. 220, 439.
Quæstor Ærarii, i. 414.
Quartier latin, i. 342, 387; ii. 677 *sq.*, 691.
Quasi lignum vitæ, the Bull, i. 380 *sq.*
Queen's College, Oxford, ii. 468, 495–98, 500, 502 *n.*, 518, 639, 662, 762.
— — Cambridge, ii. 575–76.
Quentin, Saint, Church of, i. 485; Dean of, *see* Jean de Barastre.
Quétif, i. 345, &c.
Quicherat, i. 478.
Quintilian, i. 65.
Quodlibetica, i. 451, 467 *n.*

R

Rabanus Maurus, i. 36 *n.*, 46, 274 *n.*
Rabelais, ii. 135.
Raginaldus de Boxevilla, ii. 746.
Ralegh, Bp. of Norwich, ii. 375 *n.*
Raleigh, T., i. 271.
Ralph of Simplingham, ii. 358 *n.*
— of Coggeshall, i. 337 *n.*
Ramus, i. 265, 438 *n.*, 455 *n.*, 500.

Rangeard, ii. 148.
Ratherius, Bp. of Verona, i. 92.
Ratisbon, Bp. of, ii. 241.
Ratramnus, i. 46.
Ratzeburg, ii. 265.
Raumer, ii. 211.
Ravenna, Schools and legal fame of, i. 107 *sq.*, 117 *sq.*, 132 *n.*; ii. 731; Abp. of, i. 117.
Raymond, Saint, College of, at Toulouse, ii. 169.
— Count of Toulouse, ii. 160.
— of Baux, ii. 182.
— of Pélegry, ii. 180.
Raymund, Abp. of Seville, i. 353.
— Abp. of Toledo, ii. 784.
— Guillelmus, ii. 746.
Raymundus, Lullius, ii. 96, 132 *n.*
— Soquerii, ii. 725.
Razes, i. 248; ii. 118, 123. *See* Rhazes.
Reading, ii. 349, 422, 423.
Realism, i. 39–50, 62, 64, 365 *sq.*, 538, 539 *n.*; ii. 222 *sq.*, 250, 263, 269, 271, 296 *n.*, 435, chap. xii. § 7 *passim*.
Real presence. *See* Eucharist.
Recek de Ledecz, Abp. of Prague, his College at Prague, ii. 232 *n.*
Receptor, i. 403, 410, 414.
Rector, at Bologna, i. 164–68, 172–74, 178, 184–90, 196–98, 237 *sq.*; at Paris, i. 295–99, 313–16, 322, 325–34, 396–400, 418, 423 *sq.*; as equivalent of Proctor, at Paris, i. 314; at Oxford, i. 314 *n.*; ii. 369–70; at Cambridge, i. 314 *n.*; ii. 370, 554; in Scotch Universities, ii. 305 *sq.*, 315; of a College or Hall, i. 202 *sq.*, 481 *n.*, 507 *n.*; ii. 249 *n.*, 278, 491.
— equivalent of Regens, i. 314 *n.*, &c.
— external, of a College, ii. 565 *sq.*
Rectoria (i. e.) Nation, ii. 14, 746 *sq.*
Rectorship, ii. 51, 244.
— at German Universities, ii. 246.
Rede, William, Bp. of Chichester, ii. 458 *n.*
Redman, Bp. R., ii. 561 *n.*
Reformation, the Universities and the, i. 555 *sq.*; ii. 214, 230, 542.
Reformatores studii, i. 213 *sq.*; ii. 20, 38, 50, 56.
Refussus, ii. 205.
Refutare, i. 457.
Regency, system of, necessary, i. 403, 455 *sq.*; ii. 300 *n.*
— superseded by Professorial system, ii. 81; its collapse at Paris, i. 500 *sq.*; at Oxford, ii. 460, 516, 517.
Regentia (i.e. Hospitium or Paedagogium), i. 481 *n.*
Regents, i. 403 *sq.*, 432, 453, 533; ii. 306–8, 311–14, 364, 373 *sq.*, 647, *et passim*.
Regents, honorary, ii. 510, 511.
— in Colleges and Halls, i. 499–512; ii. 516.
Reggio, Schools and University of, i. 12 *n.*; ii. 5–6, 736; College of, at Bologna, i. 200.
Regimen Sanitatis Salerni, i. 82; ii. 783.
Reginald. *See* Raginaldus.
Regino, Abbot of Prüm, i. 129 *n.*
Regrators, at Oxford, ii. 462 *n.*
Reid, the Philosopher, ii. 303 *n.*, 313 *n.*
Reims, Schools of, i. 15 *n.*, 275, 292, 337, 485 *n.*; ii. 5, 610 *n.*, 724; Abp. of, i. 54 *n.*, 343, 517 *n.*; College of, at Paris, i. 517.
Remigius, i. 274 *n.*, 275, 277.
Rémusat, Baron de, i. 25.
Renaissance of the twelfth century, i. 30 *sq.*, 75 *sq.*, 91 *sq.*, 242 *sq.*, 254 *sq.*; the later, 261, 264–68; ii. 675; in Oxford, ii. 49–50, 135, 457 *n.*, 464, 514–15; in Spain, ii. 79, 101.
Renan, i. 26, 263 *n.*, 264 *n.*, 265 *n.*, 353 *n.*, 357; ii. 21, 706, 739.
Renazzi, ii. 27.
Renier, Jean, i. 516.
Rennes, ii. 203.
Renzi, de, i. 75, 77, 80 *n.*
Repetitions, i. 220, 250 *sq.*
Repetitor, i. 250, 251.
Repingdon, Bp. of Lincoln, ii. 436.
Residence in College or Hall, requirements of, i. 506, 507; ii. 608 *sq.*
Responsions, i. 251 *n.*, 445; ii. 441, 597.
Resumptio, i. 474; ii. 649 *sq.*
Rethel, College of, at Paris, i. 517.
Reuchlin, ii. 147 *n.*
Rewley, Abbey of, ii. 325, 479.
Rhadegund, Saint, Convent of, ii. 578.
Rhazes. *See* Razes.
Rhenish Nation at Vienna, ii. 239.
Rhetoric, i. 34, 35, 94, 102 *sq.*, 107 *n.*, 109 *sq.*, 234, 242, 249, 268, 434, 436, 440–42; ii. 240 *n.*, 457, 459; degrees in, i. 242; ii. 459, 600 *n.*
Riancey, ii. 111.
Ribeiro, ii. 101.
Ricci, i. 90, 108 *n.*, 113 *n.*
— Guillaume, ii. 177.
Riccobonus, i. 425 *n.*; ii. 10.
Rich, Edmund. *See* Edmund, Saint.
Richard I, King of England, his scholars at Oxford, ii. 347.
— II, King of England, ii. 222, 401 *n.*, 562.
— Anglicus, ii. 750.
— of Baden, ii. 564.

Richard of Bury, Bp. of Durham, i. 537; ii. 477 *sq.*, 481 *n.*
— Bp. of Chichester, i. 221 *n.*, 252 *n.*; ii. 659 *n.*
— of Devizes, ii. 347.
— FitzRalph, Abp. of Armagh, i. 498 *n.*; ii. 541, 581, 582.
— of Gravesend, Bp. of Lincoln, ii. 421.
— of Hoton, Prior of Durham, ii. 477.
— le Poor, Bp. of Durham, ii. 750.
— of Ursperg, i. 116, 120 *n.*
Richer, i. 272, 488 *n.*
Richomme, i. 271.
Ridley, the Reformer, ii. 670 *n.*
Rieggerus, ii. 268.
Rigorosi, i. 262, 471 *n.*; ii. 737.
Ring, the Doctoral, i. 229 *sq.*, 232 *n.*, 289.
Riolan, ii. 113.
Rion, Jean, ii. 683.
Riquetis, Barthélemy de, his College at Avignon, ii. 177.
Rishanger, ii. 582 *n.*
Rizzari, Pietro, ii. 58.
Robert, Count of Clermont, i. 484, 514.
— Duke of Normandy, i. 82.
— de Arbrissello, i. 276.
— of Auxerre, Bp. of Paris, i. 354 *n.*
— of Avesbury, ii. 405 *n.*
— of Courçon, Cardinal, i. 310, 357, 433, 443, 453, 462, 479 *n.*; ii. 678.
— of Cricklade, Prior of S. Frideswyde's, ii. 337 *n.*, 344.
— of Eglesfield, ii. 488 *n.*, 495–97, 499 *sq.*
— Grossetête. *See* Grossetête.
— Guiscard, i. 81.
— of Melun, Bp. of Hereford, i. 64, 110.
— de Monte, i. 120 *n.*
— d'Oigli, Robert, ii. 325.
— of Sorbonne, i. 427 *n.*, 449 *n.*, 457, 488, 514; ii. 620.
— of Stratford, Abp. of Canterbury, ii. 439 *n.*
Robertson, Canon, i. 551 *n.*; ii. 332 *n.*
Roche, Antoine de, ii. 190.
Rochester, Bp. of. *See* Walter of Merton.
Rodez, Bernard de, Abp. of Naples, his College at Cahors, ii. 180.
Rodière, ii. 158.
Rodrigues, ii. 101.
Roffredus of Benevento, ii. 8, 124 *n.*, 674 *n.*
Roger of Salerno, i. 245 *n.*
— of Wendover, ii. 607 *n.*
Rogers, Thorold, ii. 321, 405 *n.*, 589 *n.*, 600 *n.*, 617 *n.*
Roland. *See* Bandinelli, *see* Alexander III.
— of Parma, i. 245 *n.*
— of Cremona, i. 370, 374 *n.*; ii. 160.
Rolandinus, i. 149 *n.*, 237.
Rolland, i. 478, 516.
Roman de la Rose, i. 382 *n.*
Romano, Cardinal of S. Angelo, i. 319, 338.
Romanus, Cardinal Legate, ii. 171 *n.*
ROME, Schools and two Universities at, i. 11 *n.*, 106; ii. 27–30, 38–39; Nation of, at Bologna, i. 157, 184; ii. 731.
Roncaglia, Diet of, i. 145, 259.
Rondari, ii. 46.
Rørdam, ii. 291.
Roscellinus, i. 40, 47–49, 53, 362; ii. 333.
Rose, Valentin, ii. 744.
Rosse. *See* Rous.
Rossi, ii. 40.
ROSTOCK, University of, i. 481 *n.*; ii. 256–59, 264, 265, 300, 587 *n.*, 588, 613 *n.*, 629 *n.*, 638 *n.*
— migration from, ii. 259.
Rotation, ii. 312.
Rotherham, Thomas, Bp. of Lincoln and Abp. of York, ii. 510, 547 *n.*
Rothesay, Nation of, at Glasgow, ii. 305.
Rotmarus, ii. 270.
Rotulus Beneficiandorum, i. 532 *sq.*
Rouen, i. 520; College of, i. 458 *n.*, 514; Abp. of, *see* William of Durham.
Rougier, ii. 724.
Roure (Rovere). *See* College of, at Avignon.
Rous (or Rosse), Chantry-priest of Warwick, ii. 323 *n.*
Rousse, Jean de, i. 543.
Rousselot, i. 26, 515.
Roussillon, University in, ii. 90 *sq.*
Routh, Dr., ii. 657 *n.*
Rovere, Cardinal. *See* della Rovere.
Rozière, Eugène de, ii. 725.
Rubenow, Henry, of Greifswald, ii. 266 *n.*, 267.
Rubey, Jean, Archdeacon of Tornes, ii. 180.
Rudolf of Hapsburg, Emperor, ii. 213.
— IV, Duke of Austria, ii. 234.
Ruf, Saint, College of, at Montpellier, ii. 131.
Rugge, Robert, ii. 429.
Rupert I, Count Palatine of the Rhine, ii. 225, 248, 249.
— II, Count Palatine of the Rhine, ii. 249, 250.
— III, Count Palatine of the Rhine, ii. 250.
Russell, Bp. of Lincoln, ii. 439, 625.
Rustler, ii. 212.
Rycke, Louis de, his College at Louvain, ii. 261.

S

Sabellianism. *See* Trinity.
Sack, Friars of (Order *de Poenitentia Jesu*), ii. 377, 559, 560.
Sagres, School at, ii. 106 *n.*
S. ANDREWS, University of, i. 460 *n.*; ii. 119 *n.*, 295–303, 552, 635 *n.*, 658 *n.*, 673 *n.*, 675.
Saint-Charles, ii. 158.
SALAMANCA, University of, i. 226 *n.*; ii. 68, 69–81, 105, 641 *n.*, 674 *n.*
Salaries of Doctors, i. 211 *sq.*, 240 *sq.*
SALERNO, School or University of, i. 9, 21, 75–86, 235, 242, 244, 323, 428; ii. 3, 115, 119 *n.*, 138 *n.*, 745.
Salisbury, Schools of, i. 292 *n.*, 306 *n.*; ii. 5; secession from Oxford to, ii. 396, 765-66; Bp. of, ii. 419, 574.
Salvator, S., College of, at S. Andrews, ii. 300 *sq.*
Samson, Abbot of Bury S. Edmund's, ii. 347, 555 *n.*
Sancho IV (the Brave), King of Castile, ii. 75, 83, 99.
Sangiorgio, ii. 53.
Sangrador, ii. 82.
Sanitation, medieval, ii. 278 *n.*, 389 *sq.*
Santos, Miguel Velasco y, ii. 99.
Sapientes studii, ii. 42 *n.*, 675 *n.*
Sapienza (*Domus Sapientiæ*), at Florence, ii. 48; (Vecchia) at Perugia, ii. 41; at Pisa, ii. 52; at Turin, ii. 58; at Siena, ii. 34; at Rome, ii. 39.
Saracens. *See* Arabs.
SARAGOSSA, University of, ii. 95–96.
Sarti, i. 89, 128, 157 *n.*, 171 *n.*
Sauli, ii. 26, 56.
Sauval, i. 272, 478.
Savage, Henry, i. 476; ii. 472.
Savi, ii. 7.
Savigliano, ii. 57.
Savigny, i. 3, 89, 90, 99, 101–103, 169 *n.*, 171 *n.*, 175, 181 *n.*, 183 *n.*, 186 *n.*, 200 *n.*, 223 *n.*, 254 *n.*, 257, 258 *n.*, 259 *n.*, 260 *n.*, 298; ii. 5 *n.*, 12 *n.*, 124 *n.*, 644, 735.
Savile, Sir Henry, of Bank, ii. 323, 535 *n.*
— Sir Henry, of Eton, ii. 323 *n.*
Savioli, i. 90.
Savoisy, Charles de, ii. 681 *sq.*
Savonarola, i. 263.
Savoy, Nation of, at Bologna, i. 185 *n.*
Saxony, Nation of, at Prague, ii. 217; Vienna, ii. 234, 239; Leipsic, ii. 256; Universities in, *see* Erfurt.
Scara, College of, at Paris, i. 516.
Scarabelli, i. 89.
Schaarschmidt, i. 25, 70 *n.*; ii. 338 *n.*, 340 *n.*
Schier, ii. 289.
Schism, the, attitude of University of Paris during, i. 535–55, 557 *n.*
Schlikenrieder, ii. 233.
Scholar of a College as distinct from Fellow, ii. 486, 488, &c.
Scholastica, Saint, ii. 403, 407, 673.
Scholasticism. *See* Philosophy, Theology; in Grammar and Medicine, i. 256; in Law, i. 256, 265 *n.*
Scholasticus, i. 105 *n.*, 107 *n.*, 281–84; ii. 70, 74 *n.*, 78, 140, 142, 148 *sq.*, 327 *n.*
School Street, Oxford, ii. 462, 497 *n.*
Schools, Cathedral. *See* Cathedrals.
— Master of the. *See* Magister Scholarum.
— Monastic. *See* Monasteries.
— Municipal, i. 284 *n.*
— University (buildings). *See* Lecture-rooms.
Schottus, ii. 65.
Schreiber, ii. 268.
Schulte, i. 128 *sq.*
Schwarzburg, Bp. of. *See* Gerhard.
Schwerin, Bp. of, ii. 257.
Science, Natural, i. 68, 242 *sq.*, 266; ii. 521. *See* also Alchemy, Anatomy, Aristotle, Mathematics, Medicine.
Sconces, ii. 617–19.
Scotch, students at Oxford, ii. 368; at Paris, i. 321 *n.*, 515, 557 *n.*; ii. 295; Nation at Padua, ii. 22 *n.*, 296; at Orleans, ii. 146; in Continental Universities, Nation of, at Orleans and elsewhere on continent, ii. 295 *sq.*; Monastery, at Vienna, ii. 241. *See* Scotland, Universities of.
Scotists. *See* Scotus, Duns.
Scotland, Universities of, i. 232, 455 *n.*; ii. 293–315; attitude of, during Schism, i. 545, 557 *n.*
Scotus, Duns, and Scotists, i. 249 *n.*, 273, 539 *n.*; ii. 251, 529 *sq.*, 531–35.
— Johannes (Erigena). *See* John Scotus.
Scriba Universitatis, i. 414.
Scriptores, i. 415 *sq.*
Scrutiny, ii. 617.
Seal, of Universities, i. 178, 300, 318, 319, 406, 409; of Nations, i. 318, 319; of Faculties, i. 327, 403 *n.*
Searle, W. G., ii. 575.
Sebastian, Saint, confraternity of, at Avignon, ii. 177, 632.
Seebohm, ii. 464 *n.*
Séez, College of, at Paris, i. 499 *n.*, 517; Bps. of, *see* Gregory l'Anglais.
Segni, Bp. of. *See* Bruno.
Séguier, Guillaume, ii. 125, 126 *n.*

Semi-commensalis, ii. 657 *n*.
Semi-comminarius, ii. 657 *n*.
Sempringham, Order of, ii. 559.
Senanque, Abbot and College of, ii. 177.
Senatus (i.e. Convocation), at Cambridge, ii. 556 *sq*.; *Academicus*, in Scotland, ii. 308, 311.
Senatus, Prior of Worcester, ii. 348 *n*.
Seneca. i. 36; ii. 138 *n*.; chair of, ii. 37.
Seneschal (or Steward) at Oxford, ii. 409.
Senior of a Bursa, i. 481 *n*.
Senlis, Bp. and Dean of, i. 343, 344.
Sens, Council of, i. 54, 55; Abp. of, i. 54 *n*.
Sentences. *See* Peter Lombard.
Sententiarius, i. 466, 467.
Sergius I, Pope, ii. 550 *n*.
Serjeants-at-law, i. 287 *n*., 308.
Serjeants' Inn, i. 308.
Sermons, University, i. 402, 467–68; ii. 344, 625, 633; Examinatory, i. 467; ii. 380 *sq*., 453.
Sertorius, ii. 92.
Servants, College, ii. 618 *sq*., 660, 776 *sq*.
Servatus Lupus, Abbot of Ferrières, i. 36, 274 *n*.
Service, Divine, attendance at, i. 203, 487 *n*.; ii. 625, 651–52, 655, 768.
Servitors, ii. 656–58.
Seth, Prof., i. 26.
SEVILLE, Studium Generale of, ii. 81–82; Abp. of, *see* Raymund, Mendoza.
Shadwell, Mr., ii. 321, 491, 492 *n*., 767.
Shairp, Principal, ii. 295.
Sheppard, Mr., ii. 499 *n*.
Sherborne, Prior and Convent of, ii. 470 *n*.
Shermannus, ii. 577.
Shirking, ii. 307 *n*.
Shotover, ii. 675.
Sichelmus, ii. 6.
Sicily, Nation of, at Bologna, i. 184 *n*.
Siegmund, ii. 269.
SIENA, University of, i. 14 *n*., 175; ii. 31–34, 47, 736.
Siete Partidas (of Alfonso of Castile), i. 8 *n*., 13 *n*.; ii. 72 *sq*., 78, 83 *n*.
Sigebert, ii. 545.
Sigibertus, ii. 730.
Sigismund, Emperor, i. 546; ii. 33 *n*., 57, 288.
Signorelli, ii. 22.
Sigo, Abbot of S. Florent, ii. 148 *n*.
Sigonius, i. 89.
SIGÜENZA, University of, ii. 97–98; Convent of S. Antonio at, ii. 97.
Sigulfus, i. 36 *n*.
Siluria, ii. 305 *n*.
Silvester, Saint, ii. 10 *n*.
Simon of Tournai, i. 355.
Sismondi, i. 65 *n*., 540 *n*.
Sixtus IV, Pope, ii. 45, 58, 95, 176, 183, 272, 437, 559 *n*., 568 *n*.
— V, Pope, ii. 723.
Skelton, ii. 320, 459 *n*.
Skirlaw, Walter, Bp. of Durham, ii. 472.
Smith, William, ii. 320, 469.
Societas, i. 194 *n*. *See* Socius.
Socius, i. 194, 195 *n*., 229, 481, 491; ii. 655.
Soissons, Council of, i. 53, 54, 285.
— Bishop of, ii. 679.
Somerville, Sir Philip, ii. 474.
Sophist, ii. 641 *n*., 773.
Sophister, General, ii. 456.
Sorbonic, i. 467 *n*., 468, 491 *n*.
Sorbonne, House or College of, at Paris, i. 489, 495 *n*., 514, 554; ii. 249, 471 *n*., 617 *n*., 618, 621, 665, 667 *n*.
— La Petite. *See* Calvi.
Sorbonne, Robert de. *See* Robert.
Spain, Universities of, i. 13, 14 *n*., 232 *n*., 289; ii. 65–101, 107; Nation of, at Bologna, i. 157 *n*., 185 *n*.; at Padua and Vercelli, ii. 14, 746 *sq*.; College of, at Bologna, i. 194 *n*., 200 *sq*., 213 *n*., 231 *n*.; ii. 653 *n*., 660.
Specht, i. 284 *n*.
Spinoza, i. 353 *n*.
Spires, ii. 250.
Spirgatis, i. 273; ii. 585 *n*.
Spirk, ii. 211.
Sprott, ii. 543.
Stamford, temporary University at, ii. 397, 398.
Stanbridge, ii. 515.
Standonc, Jean, i 512 *n*.; ii. 261, 620, 640 *n*., 653 *n*., 663.
Stanislaus of Znaim, ii. 228.
Stanton, Hervey de, ii. 563.
Stapeldon, Walter de. *See* Walter.
Stapeldon Hall, Oxford. *See* Exeter.
Statio Universitatis, i. 190 *n*.
Stationarii, i. 191 *sq*., 193, 415, 415 *sq*.
Statius, i. 240.
Statutarii, i. 191, 304 *n*.
Statutes, at Bologna, i. 175, 190 *sq*.
— earliest, at Paris, i. 300 *sq*., 310, &c.
— — at Oxford, ii. 361–62.
— Paduan, discovery of, ii. 17 *n*.
Stephen, Sir James, ii. 410 *n*.
— Saint, Church of, at Bologna, i. 219; at Vienna, ii. 233 *sq*.
— of Lexington, Abbot of Clairvaux, i. 488.
— of Tournay, i. 58 *n*., 280 *n*., 304 *n*.
Stesichorus, ii. 58 *n*.

Steward, of University, at Oxford, ii. 409, 790.
Stewart, H. F., i. 34 *n.*
Steyerer, ii. 232.
Stocker, ii. 247.
Stocks, i. 203.
Stölzle, Dr. Remigius, i. 54 *n.*
Stramineus, Vicus. *See* Rue du Fouarre.
Stratford, Robert of, Abp. of Canterbury, ii. 439 *n.*
Strobelbergerus, ii. 113.
Strodus, Radulphus, i. 248 *n.*
Stübel, ii. 254.
Stubbs, William, Bp. of Oxford, i. 140 *n.*, 141 *n.*, 154 *n.*, 295 *n.*; ii. 330 *n.*, 337, 644.
Students, Universities of, i. 7, 17–21. *See* also Bologna, and vol. ii. *passim.*
Studium, i. 7. *See* Studium Generale.
— *commune*, synonym for Studium Generale, q. v., i. 8 *n.*; ii. 347.
— Generale, meaning and usage of term, i. 7–19; ii. 3–5, 32 *sq.*, 72 *sq.*, 144 *n.*, 243 *sq.*, 550 *sq. et passim.*
— — *respectu regni*, i. 15; ii. 73, 83, 107.
— — *ex consuetudine*, i. 12; ii. 215 *n.*, 244.
— *particulare*, ii. 72, 83, 99, 100, 104 *n.*, 213. *See* Studium Generale.
— *solempne*, synonym for Studium Generale, q. v., i. 8 *n.*
Studies in College rooms, ii. 669.
Styria, students from, ii. 213.
Subditi, i. 238.
Sudbury, Simon, Bp. of London, ii. 475.
Suéde, Collége de. *See* Sweden.
Suetonius, i. 65 *n.*
Sugerius of Brabant, i. 362 *n.*
Summulae, i. 441; ii. 240.
Summulista, i. 455 *n.*
Sunday, observance of, ii. 156 *n.*, 674 *sq.*
Superintendents of a University, ii. 241.
Supervisors or Clerks of the Market at Oxford, ii. 409.
Supper. *See* Meals.
Supplicat, i. 248; ii. 507 *n.*
Supposiii Universitatis, i. 415.
Surgery, i. 235, 242, 245–48, 418–19; ii. 132–35.
Suspension from Regency or Scholarity, ii. 365, 420.
Sutton, Bp. of Lincoln, ii. 355 *n.*, 422, 424 *n.*, 425, 473 *n.*, 474 *n.*
Suzarino, Guido, i. 213 *n.*
Sweden, Universities of, *see* Upsala; College of, at Paris, i. 515.
Sybel, ii. 211.
Sylvius, Æneas, ii. 54 *n.*
Symeon of Durham, i. 273 *n.*
Symonds, J. A., ii. 686 *n.*
Symons, Warden of Wadham, ii. 440.
Syndic, office of, at Bologna, i. 180.
— (or common Advocate), at Bologna, i. 193; at Paris, i. 414.
Syndicatus, i. 180.

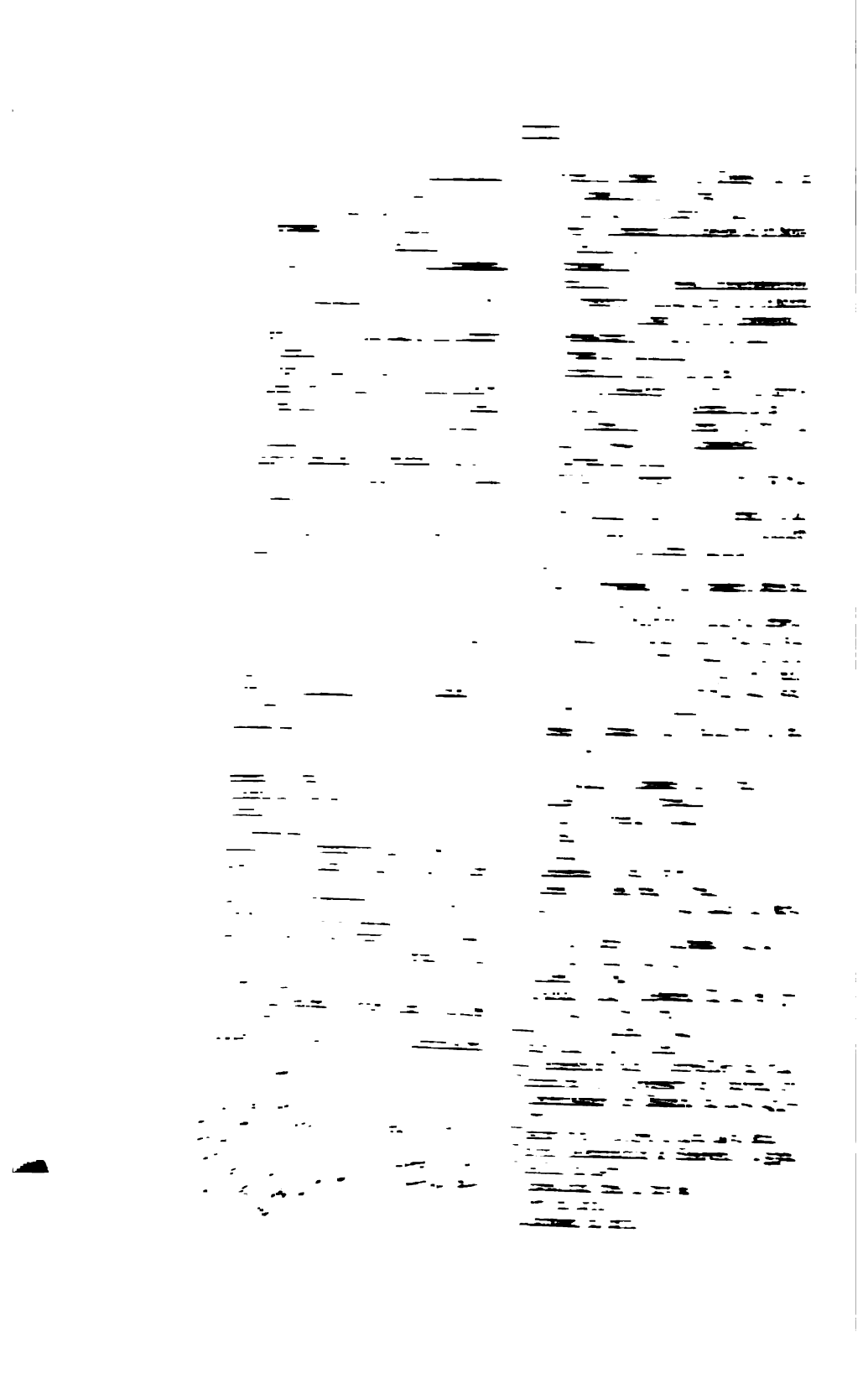
T

Tabard, ii. 639 *n.*, 640 *n.*, 642, 643 *n.*
Tabellio, i. 93 *n.*, 107 *n.*, 111. *See* Notary.
Taborites, the, ii. 230.
Tabulae, i. 195 *n.* *See* Gambling.
Tacitus, M. Cornelius, i. 65 *n.*
Tackley's Inn, Oxford, ii. 492.
Tacoli, ii. 6.
Taddeo Pepolo, i. 217; ii. 47.
Talleyrand, ii. 707.
Tarlazzi, i. 108 *n.*
Tarrisiani, scholares, at Padua, ii. 19.
Taxation, of students' rents, i. 149 *sq.*, 181, 192, 311, 479; ii. 360 *sq.*, 399 *sq.*; exemption from, i. 421 *sq.*, 424 *sq.*
Taxator. *See* Taxors.
Taxilli, i. 195 *n.* *See* Gambling.
Taxors, i. 192; ii. 361, 365, 368 *n.*, 554.
τελετή, at Athens, i. 288 *n.*
Tello, Bp. of Palencia, ii. 65 *n.*, 66.
Tempier, Bp. of Paris, ii. 527.
Temptamen, i. 450 (*see* Examinations); in another sense, i. 459 *n.*
Temptatores, i. 450. *See* Examinations.
Tencararius, Zoen, Bp. of Avignon, i. 199.
Tentative, i. 466.
Teulé, ii. 201.
Teviotdale, Nation of, at Glasgow, ii. 305.
Thaddeus, i. 236, 237, 246.
Theobald, Abp. of Canterbury, i. 102; ii. 336.
Theobaldus Stampensis, ii. 333–35.
Theodoric, King of the Goths, ii. 730.
— of Lucca, i. 235 *n.*, 245 *n.*
Theodosian Code, i. 100 *n.*; ii. 729.
Theodosius I, Emperor, i. 144 *n.*
— II, Emperor, i. 144 *n.*, 145.
Theodulf, Bp. of Orleans, i. 103 *n.*; ii. 610 *n.*
Theodulus, ii. 602 *n.*
Theologus, in Cathedrals, i. 281 *n.*, cf. 282 *n.*
Theology, the study at Paris, i. 9, 11, 317 *n.*, 457, 462–74, 485–92, 508, &c.; at Bologna, i. 136 *sq.*, 251–53, 261 *sq.*; at Montpellier, ii. 130; at Oxford, ii. 334, 335, 371, 451, 452 *et passim*; its place in medieval education, ii. 698 *sq.*
— scholastic, i. 40–62, 93–94, 350 *sq.*,

364 *sq.*; ii. 480, 522, 533 *sq.*, 537, 542.
Theophilus (Protospatharius), i. 429; ii. 783 *sq.*
Théry, ii. 111.
Thobia, ii. 603 *n.*
Thomas, ii. 113.
— Saint, of the Louvre, College of, i. 484, 486 *sq.*, 514.
— — Aquinas, i. 53, 249 *n.*, 345, 354 *n.*, 361, 363 *sq.*, 379, 382, 388 *n.*, 436, 527, 539 *n.*; ii. 23, 28 *n.*, 140, 251, 526, 527 *sq.*, 702, 742; Hospital of, at Salamanca, ii. 81.
— Anglicus, or Walleis, i. 529 *n.*
— Becket, Abp. of Canterbury, i. 131, 295; ii. 329, 332.
— of Hatfield, Bp. of Durham, ii. 478.
Thomists, i. 249 *n.*, 349, 366, &c. *See* Thomas Aquinas, Realism.
Thorbecke, ii. 247.
Thori, College of, at Paris, i. 517.
Thuringia, Landgraves of, ii. 254.
Thurot, i. 95 *n.*, 155 *n.*, 210 *n.*, 272, 313 *n.*, 428, 434 *n.*, 450 *n.*, 455 *n.*, 462, 463 *n.*, 477 *n.*; ii. 136.
Tiraboschi, i. 75, 89, 91; ii. 726.
Tisberus. *See* Heytisbury.
Toepke, ii. 247.
Toga, ii. 639, 643. *See* Dress, Academical.
Toledo. i. 353; ii. 138 *n.*, 684, 780.
Tomasinus, ii. 10.
Tomek, ii. 211, 226 *n.*
Tonesworth, Adam, ii. 427 *n.*
Tongerloo, Abbot of, ii. 260.
Tonnerre, College of, at Paris, i. 516.
Tonsure, worn by teachers and scholars, i. 92, 93 *n.*, 183 *sq.*; ii. 657 *sq.*
Torchi, College of, at Paris. *See* Lisieux.
Tore, College of, at Paris, i. 516.
Torture, i. 413 *n.*
Totting, Henry, ii. 243, 244.
Tou, Collége de, at Paris, i. 516.
TOULOUSE, University of, i. 10, 231 *n.*, 337, 431, 453 *n.*, 461; ii. 91, 142, 157-70, 590, 620, 640 *n.*, 652 *n.*, 656 *n.*, 684; province of, at Angers, ii. 155.
Touraine, Nation of, at Bologna, i. 157 *n.*, 184 *n.*; at Orleans, ii. 146; at Poitiers, ii 192; at Bourges, ii. 205.
Tournai, College of, at Paris, i. 516.
Tournaments, i. 187; ii. 669.
Tours, i. 275; Provincial Synod of, ii. 151 *n.*; College of, at Paris, i. 515; ii. 621 *n.*, 670 *n.*
Tractatores studii, at Padua, ii. 17.
Transforthia, ii. 305 *n.*
Transibiles, ii. 262.
Transitoriae (lectiones, i. e. cursory or extraordinary), i. 427 *n.* *See* also Cursory, Lectures.
Transubstantiation. *See* Eucharist.
Travers, ii. 201.
Tréguier, schools at, i. 493 *n.*; College of, at Paris, i. 515.
Tregury, Michael of, Abp. of Dublin, ii. 195.
Tres Libri, i. 208.
Tres Partes, i. 122, 208 *n.*
Trésorier, Collége du, at Paris, i. 514.
TRÈVES, University of, ii. 263-64; Abp. of, ii. 260, 264.
TREVISO, University of, ii. 43-44.
Tribes at Paris, i. 321 *n.*
Tribunal of the University, at Paris, i. 400.
τριβών, i. 288 *n.*
Trigard, Bernard, Bp. of Brescia, ii 131.
Trilingue, Collegium, at Louvain, ii. 262.
Trinitarians, ii. 377. *See* Mathurines.
Trinity College, Oxford, ii. 478.
— Hall, Cambridge, i. 260 *n.*; ii. 568-69; College, Cambridge, i. 513 *n.*; ii. 562, 563.
— Holy, doctrine of, i. 45, 53, 55 *sq.*, &c.
Tripos, at Cambridge, ii. 262 *n.*, 441 *n.*
Trivium, i. 33 *sq.*, 109 *n.*, 465; ii. 452.
Trogus Pompeius, i. 65 *n.*
Trot, Arnold, ii. 261.
Trotula, i. 86 *n.*
Trotus, Raynaldus, ii. 746.
Troyes, i. 184 *n.*; Bp., Dean, and Archdeacon of, i. 309.
Trumpeters, University, i. 230.
TÜBINGEN, University of, i. 105 *n.*; ii. 269, 273-75, 589, 615.
Tucking, ii. 636.
Tulloch, Principal, ii. 299 *n.*
TURIN, University of, ii. 27, 56-58.
Turnbull, Wm., Bp. of Glasgow, ii. 304.
Tuscans, their Nation at Bologna, i. 156 *sq.*, 159 *n.*, 182, 184.
Tuscany, i. 118, 156.
Tusculum, Bp. of, ii. 360 *n.*
Tutores Studii, i. 20.
Tutors, i. 508, 512 *n.*; ii. 501, 515, 626, 655, 766-67, 779. *See* also Preceptor, Regent.
Twelfth-night, ii. 629 *n.*, 674.
Twyne, Bryan, ii. 319, 343, 753, 756, 757.
Tyndale, i. 557; ii. 542.
Tynemouth, ii. 473.

U

Udalrich, Count, ii. 730.
Ueberweg, i. 353 *n.*



Volta, ii. 53.
Volumen, i. 208.
Vulgarisantes, ii. 627.

W

Wadding, i. 373 *n.*
Wadham College, Oxford, i. 126; ii. 377.
Wagner, George, i. 228 *n.*
Walanfrid Strabo, i. 51 *n.*
Walcott, ii. 499.
Wall Lectures, ii. 517.
Wallaszky, ii. 286, 288.
Walloons, Nation of, at Louvain, ii. 260.
Walsingham, ii. 428 *n.*
Walter of S. Victor, i. 53 *n.*, 56, 278.
— of Hemingford, ii. 395 *n.*
— of Merton, Bp. of Rochester, ii. 346, 476, 481–90.
— of Stapeldon, Bp. of Exeter, ii. 490, 491.
Warden of a College, ii. 482 *sq.*, &c.
Wardlaw, Henry, Bp. of S. Andrews, ii. 297.
Wardus de Clusio, i. 212 *n.*
Ware, ii. 720.
Warnerius. *See* Irnerius.
Washing, ii. 667.
Waynflete, William of. *See* William.
Wearmouth, Rector of. *See* William of Durham.
Wegele, ii. 253.
Weissenborn, ii. 242.
Wellington, Duke of, ii. 440.
Wells, Bp. of, *see* Burnel; Dean of, *see* Forest.
Welsh scholars at Oxford, ii. 368.
Wenceslaus I, of Bohemia, ii. 213.
— II, of Bohemia, ii. 225.
— College of, at Prague, ii. 219.
Werk, ii. 268.
Werlauff, ii. 291.
Werner, i. 26.
Wernerius. *See* Irnerius.
Westbury, Lord, i. 126 *n.*
Westminster, Monastery of S. Peter's at, ii. 478; School, ii. 603.
Westphalen, ii. 256, 613.
Wheteley, William, ii. 398 *n.*, 443.
Whittington, ii. 514 *n.*, 515.
William II, King of England, i. 82.
— Anglicus or Grisauntus, i. 250.
— of Auvergne, i. 358, 359.
— of Auxerre, i. 338 *n.*
— of Brabant, i. 361.
— of Brescia, Archdeacon of Bologna, i. 200.
— the Breton (Armoricus), i. 293 *n.*, 301 *n.*, 354 *n.*; ii. 737.
— of Champeaux, i. 48–51, 278; ii. 532.
William de Chanac, Bp. of Paris, i. 516.
— de Coetmohair, Chanter of Tréguier, i. 515.
— of Conches, i. 64, 65, 70.
— of Drogheda, ii. 375 *n.*, 470 *n.*
— of Durham, ii. 469, 471 *n.*, 517.
— of Estouteville. *See* Estouteville.
— de Ferrario, ii. 746.
— de Hostialio, ii. 746.
— of Kilkenny, ii. 558.
— of Lanum, ii. 470 *n.*
— of Malmesbury, i. 273 *n.*
— de la Mare, ii. 530.
— de Monte, i. 280 *n.*
— of Nogaret, ii. 165.
— of Ockham, i. 538, 539 *n.*, 540; ii. 529, 535–38.
— Pelissus, ii. 160 *n.*
— de Ponte Arce, ii. 750.
— of S. Amour, i. 314 *n.*, 345, 372 *n.*, 382, 383 *sq.*, 385, 387; ii. 384 *n.*, 586 *n.*
— de Saliceto, i. 245 *n.*
— of Ware, ii. 530 *n.*
— of Waynflete, Bp. of Winchester, ii. 512–18.
— of Wykeham, Bp. of Winchester, ii. 429, 488 *n.*, 499–508, 511, 513, 515, 517, 518, 573 *sq.*, 672.
Williams, Abdy, ii. 442 *n.*, 458 *n.*
— William Klapp, ii. 735.
Willis, Robert, ii. 544.
Wills, probate of scholars', i. 399; ii. 422, 574, 785.
Wilson, Mr. H. A., ii. 512 *n.*
Winchelsey, ii. 437 *n.*
Winchester, College or School, i. 495 *n.*; ii. 500, 501, 571, 573; diocese of, ii. 482, 511; Bishop of, *see* Henry of Blois, William of Wykeham, William of Waynflete, Foxe.
Windisch, ii. 289.
Windows, ii. 666 *sq.*
Windsor Castle, ii. 513, 573.
Winkelmann, ii. 247.
Wislocki, ii. 283.
Wodeford, ii. 498 *n.*
Wodhall, Henry, ii. 498.
Wolfgang, Count, ii. 656 *n.*
Wolsey, Cardinal, ii. 514 *n.*, 515, 623, 759.
Women, Medical, at Salerno, i. 86; in France, i. 418 *n.*
— students and graduates at Salamanca, ii. 79; at Bologna and Padua, ii. 745.
Wood, Antony, i. 295 *n.*, 352 *n.*, 353, 476 *n.*; ii. 319, 349 *n.*, 753, 760.
Woodlark, Robert, ii. 577.
Woodstock, ii. 369, 405, 675.
Woodville, Elizabeth, ii. 575.
Worcester College, Oxford, ii. 477.

Worms, Concordat of, i. 132; Diet of, i. 133; Bishop of, ii. 248; Schools of, ii. 658 *n.*
Wratislaus, Duke of Pomerania-Stettin, ii. 266.
Wratislaw, ii. 215 *n.*
Wright, Thomas, ii. 320, 322 *n.*, 572.
Wrobel, i. 442 *n.*
Wurd, ii. 247.
Würdtwein, ii. 272.
Würzburg, ii. 253–54; Bp. of, ii. 253.
Wyclif, John, not the Reformer, ii. 518 *n.*
Wycliffe, John, i. 249 *n.*, 540; ii. 220, 223, 224, 226, 229, 250, 384, 385 *n.*, 428, 433 *n.*, 475 *n.*, 498, 503 *n.*, 505, 506, 518 *n.*, 519 *n.*, 538–43, 552, 581, 700.
Wycliffism, ii. 427–30, 509. *See* Lollardy.
Wykeham, William of. *See* William.
Wylliott, John, ii. 488.
Wyttenbach, ii. 264 *n.*

X

Ximenes, Cardinal, and Abp. of Toledo, ii. 83 *n.*, 99.

Y

York, Schools of, i. 101, 282 *n.*; Chancellor of, i. 282 *n.*
Yorkshire, ii. 342.
Yriarte, Aynsa de, ii. 92.

Z

Zarate, ii. 65, 96.
Zarncke, i. 461; ii. 254, ch. ix., *passim*.
Zdekauer, ii. 31.
Zeissberg, ii. 283.

THE END.

CLARENDON PRESS, OXFORD.

SELECT LIST OF STANDARD WORKS

DICTIONARIES . . . . . page 1
LAW . . . . . ,, 2
HISTORY, BIOGRAPHY, ETC. . . . . ,, 4
PHILOSOPHY, LOGIC, ETC. . . . . ,, 6
PHYSICAL SCIENCE, ETC. . . . . ,, 7

1. DICTIONARIES.

A NEW ENGLISH DICTIONARY
ON HISTORICAL PRINCIPLES,

Founded mainly on the materials collected by the Philological Society.

Imperial 4to.

EDITED BY DR. MURRAY.

PRESENT STATE OF THE WORK.

				£	s.	d.
Vol. I.	A, B	By Dr. MURRAY	Half-morocco	2	12	6
Vol. II.	C	By Dr. MURRAY	Half-morocco	2	12	6
Vol. III.	D, E	By Dr. MURRAY and Mr. BRADLEY	Half-morocco	2	12	6
Vol. IV.	F, G	By Mr. BRADLEY	Half-morocco	2	12	6
Vol. V.	H—K	By Dr. MURRAY	Half-morocco	2	12	6
Vol. VI.	L—N	By Mr. BRADLEY . .	L-Lap	0	2	6
			Lap-Leisurely . . .	0	5	0
			Leisureness-Lief . .	0	2	6
			Lief-Look	0	5	0
Vol. VII.	O, P	By Dr. MURRAY . .	O-Onomastic . . .	0	5	0
			Onomastical-Outing.	0	5	0
Vol. VIII.	Q—S	By Mr. CRAIGIE . . .	Q	0	2	6

The remainder of the work is in active preparation.

Vols. IX, X will contain S–Z with some supplemental matter.

Orders can be given through any bookseller for the delivery of the remainder of the work in complete *Volumes* or in *Half-volumes* or in *Sections* or in *Parts*.

HALF-VOLUMES. The price of half-volumes, bound, with straight-grained persian leather back, cloth sides, gilt top, is £1 7*s.* 6*d.* each, or £13 15*s.* for the ten now ready, namely, A, B, C–Comm., Comm.–Czech, D, E, F, G, H, I–K.

SECTIONS. A single Section of 64 pages at 2*s.* 6*d.* or a double Section of 128 pages at 5*s.* is issued quarterly.

PARTS. A Part (which is generally the equivalent of five single Sections and is priced at 12*s.* 6*d.*) is issued whenever ready.

Nearly all the Parts and Sections in which Volumes I–V were first issued are still obtainable in the original covers.

FORTHCOMING ISSUE, JULY 1, 1903. A portion beginning R. By Mr. CRAIGIE.

Oxford: Clarendon Press. London: HENRY FROWDE, Amen Corner, E.C.

A. 3000.

A Hebrew and English Lexicon of the Old Testament, with an Appendix containing the Biblical Aramaic, based on the Thesaurus and Lexicon of Gesenius, by Francis Brown, D.D., S. R. Driver, D.D., and C. A. Briggs, D.D. Parts I–X. Small 4to, *2s. 6d.* each.

Thesaurus Syriacus: collegerunt Quatremère, Bernstein, Lorsbach, Arnoldi, Agrell, Field, Roediger: edidit R. Payne Smith, S.T.P.
Vol. I, containing Fasciculi I–V, sm. fol., *5l. 5s.*
Vol. II, completing the work, containing Fasciculi VI–X, *8l. 8s.*

A Compendious Syriac Dictionary, founded upon the above. Edited by Mrs. Margoliouth. Parts I–III. Small 4to, *8s. 6d. net each.*
Part IV completing the Work nearly ready.

A Dictionary of the Dialects of Vernacular Syriac as spoken by the Eastern Syrians of Kurdistan, North-West Persia, and the Plain of Moṣul. By A. J. Maclean, M.A., F.R.G.S. Small 4to, *15s.*

An English-Swahili Dictionary. By A. C. MADAN, M.A. *Second Edition, Revised.* Extra fcap. 8vo, *7s. 6d. net.*

Swahili-English Dictionary. By A. C. MADAN, M.A.
[In the Press.

A Sanskrit-English Dictionary. Etymologically and Philologically arranged, with special reference to cognate Indo-European Languages. By Sir M. Monier-Williams, M.A., K.C.I.E.; with the collaboration of Prof. E. Leumann, Ph.D.; Prof. C. Cappeller, Ph.D.; and other scholars. *New Edition, greatly Enlarged and Improved.* Cloth, bevelled edges, *3l. 13s. 6d.*; half-morocco, *4l. 4s.*

A Greek-English Lexicon. By H. G. Liddell, D.D., and Robert Scott, D.D. *Eighth Edition, Revised.* 4to. *1l. 16s.*

An Etymological Dictionary of the English Language, arranged on an Historical Basis. By W. W. Skeat, Litt.D. *Third Edition.* 4to. *2l. 4s.*

A Middle-English Dictionary. By F. H. Stratmann. A new edition, by H. Bradley, M.A. 4to, half-morocco. *1l. 11s. 6d.*

The Student's Dictionary of Anglo-Saxon. By H. Sweet, M.A., Ph.D., LL.D. Small 4to. *8s. 6d. net.*

An Anglo-Saxon Dictionary, based on the MS. collections of the late Joseph Bosworth, D.D. Edited and enlarged by Prof. T. N. Toller, M.A. Parts I–III. A–SÁR. 4to, stiff covers, *15s.* each. Part IV, § 1, SÁR–SWÍÐRIAN. Stiff covers, *8s. 6d.* Part IV, § 2, SWÍþ-SNEL–ÝTMEST, *18s. 6d.*

An Icelandic-English Dictionary, based on the MS. collections of the late Richard Cleasby. Enlarged and completed by G. Vigfússon, M.A. 4to. *3l. 7s.*

2. LAW.

Anson. *Principles of the English Law of Contract, and of Agency in its Relation to Contract.* By Sir W. R. Anson, D.C.L. *Ninth Edition.* 8vo. *10s. 6d.*

Anson. *Law and Custom of the Constitution.* 2 vols. 8vo.
Part I. Parliament. *Third Edition.* *12s. 6d.*
Part II. The Crown. *Second Ed.* *14s.*

Oxford: Clarendon Press.

Bryce. *Studies in History and Jurisprudence.* 2 Vols. 8vo. By the Right Hon. J. Bryce, M.P. 25*s. net.*

Digby. *An Introduction to the History of the Law of Real Property.* By Sir Kenelm E. Digby, M.A. *Fifth Edition.* 8vo. 12*s.* 6*d.*

Grueber. *Lex Aquilia.* By Erwin Grueber, Dr. Jur., M.A. 8vo. 10*s.* 6*d.*

Hall. *International Law.* By W. E. Hall, M.A. *Fourth Edition.* 8vo. 22*s.* 6*d.*

—— *A Treatise on the Foreign Powers and Jurisdiction of the British Crown.* By W. E. Hall, M.A. 8vo. 10*s.* 6*d.*

Holland. *Elements of Jurisprudence.* By T. E. Holland, D.C.L. *Ninth Edition.* 8vo. 10*s.* 6*d.*

—— *Studies in International Law.* By T. E. Holland, D.C.L. 8vo. 10*s.* 6*d.*

—— *Gentilis, Alberici, De Iure Belli Libri Tres.* Edidit T. E. Holland, I.C.D. Small 4to, half-morocco. 21*s.*

—— *The Institutes of Justinian,* edited as a recension of the Institutes of Gaius, by T. E. Holland, D.C.L. *Second Edition.* Extra fcap. 8vo. 5*s.*

Holland and Shadwell. *Select Titles from the Digest of Justinian.* By T. E. Holland, D.C.L., and C. L. Shadwell, D.C.L. 8vo. 14*s.*

Also sold in Parts, in paper covers—
Part I. Introductory Titles. 2*s.* 6*d.*
Part II. Family Law. 1*s.*
Part III. Property Law. 2*s.* 6*d.*
Part IV. Law of Obligations (No. 1), 3*s.* 6*d.* (No. 2), 4*s.* 6*d.*

Ilbert. *The Government of India.* Being a Digest of the Statute Law relating thereto. With Historical Introduction and Illustrative Documents. By Sir Courtenay Ilbert, K.C.S.I. 8vo, half-roan. 21*s.*

—— *Legislative Forms and Methods.* 8vo, half-roan. 16*s.*

Jenks. *Modern Land Law.* By Edward Jenks, M.A. 8vo. 15*s.*

Jenkyns. *British Rule and Jurisdiction beyond the Seas.* By the late Sir Henry Jenkyns, K.C.B. With a Preface by Sir Courtenay Ilbert, K.C.S.I. 8vo, half-roan. 16*s. net.*

Markby. *Elements of Law considered with reference to Principles of General Jurisprudence.* By Sir William Markby, D.C.L. *Fifth Edition.* 8vo. 12*s.* 6*d.*

Moyle. *Imperatoris Iustiniani Institutionum Libri Quattuor,* with Introductions, Commentary, Excursus and Translation. By J. B. Moyle, D.C.L. *Third Edition.* 2 vols. 8vo. Vol. I. 16*s.* Vol. II. 6*s.*

—— *Contract of Sale in the Civil Law.* 8vo. 10*s.* 6*d.*

Pollock and Wright. *An Essay on Possession in the Common Law.* By Sir F. Pollock, Bart., M.A., and Sir R. S. Wright, B.C.L. 8vo. 8*s.* 6*d.*

Poste. *Gaii Institutionum Juris Civilis Commentarii Quattuor;* or, Elements of Roman Law by Gaius. With a Translation and Commentary by Edward Poste, M.A. *Third Edition.* 8vo. 18*s.*

Sohm. *The Institutes.* A Text-book of the History and System of Roman Private Law. By Rudolph Sohm. Translated by J. C. Ledlie, B.C.L. With an Introduction by Erwin Grueber, Dr. Jur., M.A. *Second Edition, revised and enlarged.* 8vo. 18*s.*

Stokes. *The Anglo-Indian Codes.* By Whitley Stokes, LL.D.
Vol. I. Substantive Law. 8vo. 30*s.*
Vol. II. Adjective Law. 8vo. 35*s.*
First and Second Supplements to the above, 1887-1891. 8vo. 6*s.* 6*d.*
Separately, No. 1, 2*s.* 6*d.*; No. 2, 4*s.* 6*d.*

London: Henry Frowde, Amen Corner, E. C.

3. HISTORY, BIOGRAPHY, ETC.

Adamnani *Vita S. Columbae.* Ed. J. T. Fowler, D.C.L. Crown 8vo, half-bound, 8*s.* 6*d. net* (with translation, 9*s.* 6*d. net*).

Aubrey. *'Brief Lives,' chiefly of Contemporaries, set down by John Aubrey, between the Years* 1669 *and* 1696. Edited from the Author's MSS., by Andrew Clark, M.A., LL.D. With Facsimiles. 2 vols. 8vo. 25*s.*

Baedae *Historia Ecclesiastica,* etc. Edited by C. Plummer, M.A. 2 vols. Crown 8vo. 21*s. net.*

Barnard. *Companion to English History (Middle Ages).* With 97 Illustrations. By F. P. Barnard, M.A. Crown 8vo. 8*s.* 6*d. net.*

Boswell's *Life of Samuel Johnson, LL.D.* Edited by G. Birkbeck Hill, D.C.L. In six volumes, medium 8vo. With Portraits and Facsimiles. Half-bound. 3*l.* 3*s.*

Bright. *Chapters of Early English Church History.* By W. Bright, D.D. *Third Edition. Revised and Enlarged.* With a Map. 8vo. 12*s.*

Bryce. *Studies in History and Jurisprudence.* By the Right Hon. J. Bryce, M.P. 2 Vols. 8vo. 25*s. net.*

Casaubon (Isaac), 1559–1614. By Mark Pattison. 8vo. 16*s.*

Clarendon's *History of the Rebellion and Civil Wars in England.* Re-edited from a fresh collation of the original MS. in the Bodleian Library, with marginal dates and occasional notes, by W. Dunn Macray, M.A., F.S.A. 6 vols. Crown 8vo. 2*l.* 5*s.*

Earle. *Handbook to the Land-Charters, and other Saxonic Documents.* By John Earle, M.A. Crown 8vo. 16*s.*

—— *The Alfred Jewel:* An Historical Essay. With Illustrations and Map. Small 4to, buckram. 12*s.* 6*d. net.*

Earle and Plummer. *Two of the Saxon Chronicles, Parallel, with Supplementary Extracts from the others.* A Revised Text, edited, with Introduction, Notes, Appendices, and Glossary, by Charles Plummer, M.A., on the basis of an edition by John Earle, M.A. 2 vols. Crown 8vo, half-roan.

Vol. I. Text, Appendices, and Glossary. 10*s.* 6*d.*

Vol. II. Introduction, Notes, and Index. 12*s.* 6*d.*

Freeman. *The History of Sicily from the Earliest Times.*

Vols. I and II. 8vo, cloth. 2*l.* 2*s.*

Vol. III. The Athenian and Carthaginian Invasions. 24*s.*

Vol. IV. From the Tyranny of Dionysios to the Death of Agathoklês. Edited by Arthur J. Evans, M.A. 21*s.*

Freeman. *The Reign of William Rufus and the Accession of Henry the First.* By E. A. Freeman, D.C.L. 2 vols. 8vo. 1*l.* 16*s.*

Gardiner. *The Constitutional Documents of the Puritan Revolution,* 1628–1660. Selected and Edited by Samuel Rawson Gardiner, D.C.L. *Second Edition.* Crown 8vo. 10*s.* 6*d.*

Gross. *The Gild Merchant;* a Contribution to British Municipal History. By Charles Gross, Ph.D. 2 vols. 8vo. 24*s.*

Hastings. *Hastings and the Rohilla War.* By Sir John Strachey, G.C.S.I. 8vo, cloth. 10*s.* 6*d.*

Hill. *Sources for Greek History between the Persian and Peloponnesian Wars.* Collected and arranged by G. F. Hill, M.A. 8vo. 10*s.* 6*d.*

Hodgkin. *Italy and her Invaders.* With Plates & Maps. 8 vols. 8vo. By T. Hodgkin, D.C.L.

Vols. I–II. *Second Edition.* 42*s.*

Vols. III–IV. *Second Edition.* 36*s.*

Vols. V–VI. 36*s.*

Vol. VII–VIII (*completing the work*). 24*s.*

Oxford: Clarendon Press.

Johnson. *Letters of Samuel Johnson, LL.D.* Collected and Edited by G. Birkbeck Hill, D.C.L. 2 vols. half-roan. 28*s.*

——*Johnsonian Miscellanies.* 2 vols. Medium 8vo, half-roan. 28*s.*

Kitchin. *A History of France.* By G. W. Kitchin, D.D. In three Volumes. Crown 8vo, each 10*s.* 6*d.*
Vol. I. to 1453. Vol. II. 1453–1624. Vol. III. 1624–1793.

Kyd. *The Works of Thomas Kyd.* Edited from the original Texts, with Introduction, Notes, and Facsimiles. By F. S. Boas, M.A. 8vo. 15*s. net.*

Le Strange. *Baghdad during the Abbasid Caliphate.* By G. Le Strange. 8vo. 16*s. net.*

Lewis (*Sir G. Cornewall*). *An Essay on the Government of Dependencies.* Edited by C. P. Lucas, B.A. 8vo, half-roan. 14*s.*

Lucas. *Historical Geography of the British Colonies.* By C. P. Lucas, B.A. With Maps. Cr. 8vo.
Vol. I. The Mediterranean and Eastern Colonies (exclusive of India). 5*s.*
Vol. II. The West Indian Colonies. 7*s.* 6*d.*
Vol. III. West Africa. *Second Edition, revised to the end of* 1899, *by H. E. Egerton.* 7*s.* 6*d.*
Vol. IV. South and East Africa. Historical and Geographical. 9*s.* 6*d.*
Also Vol. IV in two Parts—
Part I. Historical, 6*s.* 6*d.*
Part II. Geographical, 3*s.* 6*d.*
Vol. V. The History of Canada (Part I, New France). 6*s.*

Ludlow. *The Memoirs of Edmund Ludlow, Lieutenant-General of the Horse in the Army of the Commonwealth of England,* 1625–1672. Edited by C. H. Firth, M.A. 2 vols. 36*s.*

Lyly. *The Works of John Lyly.* Collected and edited, with facsimiles, by R. W. Bond, M.A. In 3 vols. 8vo, uniform with *Kyd.* 42*s. net.*

Machiavelli. *Il Principe.* Edited by L. Arthur Burd, M.A. With an Introduction by Lord Acton. 8vo. 14*s.*

Merriman. *Life and Letters of Thomas Cromwell.* With a Portrait and Facsimile. By R. B. Merriman, B.Litt. 2 vols. 8vo. 18*s. net.*

Morris. *The Welsh Wars of Edward I.* With a Map. By J. E. Morris, M.A. 8vo. 9*s.* 6*d. net.*

Oman. *A History of the Peninsular War.* 6 vols. 8vo. With Maps, Plans, and Portraits. By C. Oman, M.A. Vol. I (1807-1809). 14*s. net.* Vol. II ready in May.

Payne. *History of the New World called America.* By E. J. Payne, M.A. 8vo.
Vol. I, containing *The Discovery* and *Aboriginal America,* 18*s.*
Vol. II, *Aboriginal America* (concluded), 14*s.*

Plummer. *The Life and Times of Alfred the Great.* Being 1901 Ford Lectures. By Charles Plummer, M.A. Crown 8vo. 5*s. net.*

Poole. *Historical Atlas of Modern Europe from the decline of the Roman Empire.* Edited by R. L. Poole, M.A. 5*l.* 15*s.* 6*d. net.* Each Map can now be bought separately for 1*s.* 6*d. net.*

Prothero. *Select Statutes and other Constitutional Documents, illustrative of the Reigns of Elizabeth and James I.* Edited by G. W. Prothero, M.A. Cr. 8vo. *Edition* 2. 10*s.* 6*d.*

Ramsay (Sir J. H.). *Lancaster and York.* (A.D. 1399–1485). 2 vols. 8vo. With Index. 37*s.* 6*d.*

Ramsay (W. M.). *The Cities and Bishoprics of Phrygia.*
Vol. I. Part I. The Lycos Valley and South-Western Phrygia. Royal 8vo. 18*s. net.*
Vol. I. Part II. West and West-Central Phrygia. 21*s. net.*

London: HENRY FROWDE, Amen Corner, E.C.

Ranke. *A History of England, principally in the Seventeenth Century.* By L. von Ranke. Translated under the superintendence of G. W. Kitchin, D.D., and C. W. Boase, M.A. 6 vols. 8vo. 63*s.*
Revised Index, separately, 1*s.*

Rashdall. *The Universities of Europe in the Middle Ages.* By Hastings Rashdall, M.A. 2 vols. (in 3 Parts) 8vo. With Maps. 2*l.* 5*s. net.*

Rhŷs. *Studies in the Arthurian Legend.* By John Rhŷs, M.A. 8vo. 12*s.* 6*d.*

—— *Celtic Folklore:* Welsh and Manx. By the same. 2 vols. 8vo. 21*s.*

Scaccario. *De Necessariis Observantiis Scaccarii Dialogus.* Commonly called Dialogus de Scaccario. By Richard, Son of Nigel, Treasurer of England and Bishop of London. Edited by Arthur Hughes, C. G. Crump, and C. Johnson. 8vo, 12*s.* 6*d. net.*

Smith's *Lectures on Justice, Police, Revenue and Arms.* Edited, with Introduction and Notes, by Edwin Cannan. 8vo. 10*s.* 6*d. net.*

—— *Wealth of Nations.* With Notes, by J. E. Thorold Rogers, M.A. 2 vols. 8vo. 21*s.*

Stephens. *The Principal Speeches of the Statesmen and Orators of the French Revolution,* 1789–1795. By H. Morse Stephens. 2 vols. Crown 8vo. 21*s.*

Stubbs. *Select Charters and other Illustrations of English Constitutional History, from the Earliest Times to the Reign of Edward I.* Arranged and edited by W. Stubbs, D.D., late Bishop of Oxford. *Eighth Edition.* Crown 8vo. 8*s.* 6*d.*

—— *The Constitutional History of England, in its Origin and Development. Library Edition.* 3 vols. Demy 8vo. 2*l.* 8*s.*
Also in 3 vols. crown 8vo. 12*s.* each.

—— *Seventeen Lectures on the Study of Mediaeval and Modern History and kindred subjects.* Crown 8vo. *Third Edition, revised and enlarged.* 8*s.* 6*d.*

—— *Registrum Sacrum Anglicanum.* Small 4to. *Second Edition.* 10*s.* 6*d.*

Swift (F. D.). *The Life and Times of James the First of Aragon.* By F. D. Swift, B.A. 8vo. 12*s.* 6*d.*

Vinogradoff. *Villainage in England.* Essays in English Mediaeval History. By Paul Vinogradoff. 8vo, half-bound. 16*s.*

4. PHILOSOPHY, LOGIC, ETC.

Bacon. *Novum Organum.* Edited, with Introduction, Notes, &c., by T. Fowler, D.D. *Second Edition.* 8vo. 15*s.*

Berkeley. *The Works of George Berkeley, D.D., formerly Bishop of Cloyne; including many of his writings hitherto unpublished.* With Prefaces, Annotations, Appendices, and an Account of his Life, by A. Campbell Fraser, Hon. D.C.L., LL.D. New Edition in 4 vols., crown 8vo. 24*s.*

—— *The Life and Letters, with an account of his Philosophy.* By A. Campbell Fraser. 8vo. 16*s.*

Bosanquet. *Logic; or, the Morphology of Knowledge.* By B. Bosanquet, M.A. 8vo. 21*s.*

Butler. *The Works of Joseph Butler, D.C.L.,* sometime Lord Bishop of Durham. Edited by the Right Hon. W. E. Gladstone. 2 vols. Medium 8vo. 14*s.* each.

Campagnac. *The Cambridge Platonists:* being Selections from the writings of Benjamin Whichcote, John Smith, and Nathanael Culverwel, with Introduction by E. T. Campagnac, M.A. Crown 8vo. 6*s.* 6*d. net.*

Fowler. *Logic;* Deductive and Inductive, combined in a single volume. Extra fcap. 8vo. 7*s.* 6*d.*

Fowler and Wilson. *The Principles of Morals.* By T. Fowler, D.D., and J. M. Wilson, B.D. 8vo, cloth. 14*s.*

Green. *Prolegomena to Ethics.* By T. H. Green, M.A. Edited by A. C. Bradley, M.A. *Fourth Edition.* Crown 8vo. 7*s.* 6*d.*

Hegel. *The Logic of Hegel.* Translated from the Encyclopaedia of the Philosophical Sciences. With Prolegomena to the Study of Hegel's Logic and Philosophy. By W. Wallace, M.A. *Second Edition, Revised and Augmented.* 2 vols. Crown 8vo. 10*s.* 6*d.* each.

Hegel's *Philosophy of Mind.* Translated from the Encyclopaedia of the Philosophical Sciences. With Five Introductory Essays. By William Wallace, M.A., LL.D. Crown 8vo. 10*s.* 6*d.*

Hume's *Treatise of Human Nature.* Edited, with Analytical Index, by L. A. Selby-Bigge, M.A. *Second Edition.* Crown 8vo. 6*s. net.*

—— *Enquiry concerning the Human Understanding.* Edited by L. A. Selby-Bigge, M.A. *Second Edition.* Crown 8vo. 6*s. net.*

Leibniz. *The Monadology and other Philosophical Writings.* Translated, with Introduction and Notes, by Robert Latta, M.A., D.Phil. Crown 8vo. 8*s.* 6*d.*

Locke. *An Essay Concerning Human Understanding.* By John Locke. Collated and Annotated by A. Campbell Fraser, Hon. D.C.L., LL.D. 2 vols. 8vo. 1*l.* 12*s.*

Lotze's *Logic,* in Three Books —of Thought, of Investigation, and of Knowledge. English Translation; edited by B. Bosanquet, M.A. *Second Edition.* 2 vols. Cr. 8vo. 12*s.*

—— *Metaphysic,* in Three Books—Ontology, Cosmology, and Psychology. English Translation; edited by B. Bosanquet, M.A. *Second Edition.* 2 vols. Cr. 8vo. 12*s.*

Martineau. *Types of Ethical Theory.* By James Martineau, D.D. *Third Edition.* 2 vols. Cr. 8vo. 15*s.*

—— *A Study of Religion: its Sources and Contents. Second Edition.* 2 vols. Cr. 8vo. 15*s.*

Selby-Bigge. *British Moralists.* Selections from Writers principally of the Eighteenth Century. Edited by L. A. Selby-Bigge, M.A. 2 vols. Crown 8vo. 12*s. net,* uniform with Hume's *Treatise* and *Enquiry* and the 4 vol. crown 8vo edition of *Berkeley.*

Spinoza. *A Study in the Ethics of Spinoza.* By Harold H. Joachim. 8vo. 10*s.* 6*d. net.*

Wallace. *Lectures and Essays on Natural Theology and Ethics.* By William Wallace, M.A., LL.D. Edited, with a Biographical Introduction, by Edward Caird, M.A. 8vo, with a Portrait. 12*s.* 6*d.*

5. PHYSICAL SCIENCE, ETC.

Balfour. *The Natural History of the Musical Bow.* A Chapter in the Developmental History of Stringed Instruments of Music. Part I, Primitive Types. By Henry Balfour, M.A. Royal 8vo, paper covers. 4*s.* 6*d.*

Chambers. *A Handbook of Descriptive and Practical Astronomy.* By G. F. Chambers, F.R.A.S. *Fourth Edition,* in 3 vols. Demy 8vo.

Vol. I. The Sun, Planets, and Comets. 21*s.*

Vol. II. Instruments and Practical Astronomy. 21*s.*

Vol. III. The Starry Heavens. 14*s.*

London: Henry Frowde, Amen Corner, E.C.

De Bary. *Comparative Anatomy of the Vegetative Organs of the Phanerogams and Ferns.* By Dr. A. de Bary. Translated by F. O. Bower, M.A., and D. H. Scott, M.A. Royal 8vo. 22s. 6d.

—— *Comparative Morphology and Biology of Fungi, Mycetozoa and Bacteria.* By Dr. A. de Bary. Translated by H. E. F. Garnsey, M.A. Revised by Isaac Bayley Balfour, M.A., M.D., F.R.S. Royal 8vo, half-morocco. 22s. 6d.

—— *Lectures on Bacteria.* By Dr. A. de Bary. *Second Improved Edition.* Translated and revised by the same. Crown 8vo. 6s.

Fischer. *The Structure and Functions of Bacteria.* By Alfred Fischer. Translated into English by A. Coppen Jones. Royal 8vo, with Twenty-nine Woodcuts. 8s. 6d.

Goebel. *Outlines of Classification and Special Morphology of Plants.* By Dr. K. Goebel. Translated by H. E. F. Garnsey, M.A. Revised by Isaac Bayley Balfour, M.A., M.D., F.R.S. Royal 8vo, half-morocco. 21s.

—— *Organography of Plants, especially of the Archegoniatae and Spermaphyta.* By Dr. K. Goebel. Authorized English Edition, by Isaac Bayley Balfour, M.A., M.D., F.R.S. Part I, General Organography. Royal 8vo, half-morocco. 12s. 6d.
[Part II *in the Press.*

Miall and Hammond. *The Structure and Life-History of the Harlequin Fly (Chironomus).* By L. C. Miall, F.R.S., and A. R. Hammond, F.L.S. 8vo. With 130 Illustrations. 7s. 6d.

Pfeffer. *The Physiology of Plants. A Treatise upon the Metabolism and Sources of Energy in Plants.* By Prof. Dr. W. Pfeffer. Second fully Revised Edition, translated and edited by Alfred J. Ewart, D.Sc., Ph.D., F.L.S. Part I. Royal 8vo, half-morocco. 28s.
[Part II *in the Press.*

Prestwich. *Geology—Chemical, Physical, and Stratigraphical.* By Sir Joseph Prestwich, M.A., F.R.S. In two Volumes. Royal 8vo. 61s.

Sachs. *A History of Botany.* Translated by H. E. F. Garnsey, M.A. Revised by I. Bayley Balfour, M.A., M.D., F.R.S. Crown 8vo. 10s.

Solms-Laubach. *Fossil Botany. Being an Introduction to Palaeophytology from the Standpoint of the Botanist.* By H. Graf zu Solms-Laubach. Translated and revised by the same. Royal 8vo, half-morocco, 18s.

OXFORD HISTORY OF MUSIC.

Edited by W. H. Hadow, M.A.

The Polyphonic Period. Part I (Method of Musical Art, 330–1330). By H. E. Wooldridge, M.A. 8vo. 15s. *net.*

The Seventeenth Century. By Sir C. Hubert H. Parry, M.A., D.Mus. 15s. *net.*

The Age of Bach and Handel. By J. A. Fuller-Maitland, M.A. 15s. *net.*

IN PREPARATION.

The Polyphonic Period. Part II. By H. E. Wooldridge, M.A.

The Viennese School. By W. H. Hadow, M.A.

The Romantic Period. By E. Dannreuther, M.A.

OXFORD
AT THE CLARENDON PRESS
LONDON, EDINBURGH, AND NEW YORK
HENRY FROWDE

3 2044 009 628 264

THE BORROWER WILL BE CHARGED AN OVERDUE FEE IF THIS BOOK IS NOT RETURNED TO THE LIBRARY ON OR BEFORE THE LAST DATE STAMPED BELOW. NON-RECEIPT OF OVERDUE NOTICES DOES NOT EXEMPT THE BORROWER FROM OVERDUE FEES.

Harvard College Widener Library
Cambridge, MA 02138 (617) 495-2413

AUG 2 9 1996
JUL 2 9 1996
BOOK DUE

AUG 2 9 1996
BOOK DUE

WIDENER
JAN 2 5 2002
JAN 3 1 2002
CANCELLED